

REVISOR'S REPORT 2013

Chapter 1

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

**Office of Revisor of Statutes
State House, Station 7
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Sec. 1. 1 MRSA §150-J, as enacted by PL 2013, c. 143, §1, is reallocated to 1 MRSA §150-K.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapters 103 and 143, which enacted 2 substantively different provisions with the same section number.

Sec. 2. 1 MRSA §2702, sub-§1, as enacted by PL 2013, c. 110, §1, is corrected to read:

1. Identified for review. Identified, pursuant to Title 3, section 956, subsection 2, paragraph ~~Q~~ **Q**, in a program evaluation report as potentially requiring legislative review regarding the necessity of amendment to align the statute with federal law, other state law or judicial decisions; and

EXPLANATION

This section corrects a cross-reference.

Sec. 3. 3 MRSA §956, sub-§2, ¶O, as enacted by PL 2013, c. 110, §4, is reallocated to 3 MRSA §956, sub-§2, ¶Q.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapters 110 and 307, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. 4. 3 MRSA §956, sub-§2, ¶¶O and P, as enacted by PL 2013, c. 307, §7, are corrected to read:

O. A list of reports required by the Legislature to be prepared or submitted by the agency or independent agency; ~~and~~

P. A copy of the single-page list of organizational units and programs within each organizational unit required pursuant to section 955, subsection 1, placed at the front of the report; and

EXPLANATION

This section makes technical corrections.

Sec. 5. 4 MRSA §807, sub-§3, ¶Q, as amended by PL 2013, c. 45, §2 and c. 134, §2, is corrected to read:

Q. A person who is an attorney admitted to practice in another United States jurisdiction to the extent permitted by rules of professional conduct adopted by the Supreme Judicial Court; ~~or~~

Sec. 6. 4 MRSA §807, sub-§3, ¶R, as enacted by PL 2013, c. 45, §3, is corrected to read:

R. A person who is not an attorney but who is a public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer under Title 36, section 151-A, subsection 2 and is representing a party in any hearing, action or proceeding before the Maine Board of Tax Appeals in accordance with Title 36, section 151-D; or

EXPLANATION

Sections 5 and 6 make technical corrections.

Sec. 7. 4 MRSA §807, sub-§3, ¶R, as enacted by PL 2013, c. 134, §3, is reallocated to 4 MRSA §807, sub-§3, ¶S.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapters 45 and 134, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. 8. 5 MRSA §933, sub-§1, ¶Q, as enacted by PL 2013, c. 368, Pt. X, §3, is reallocated to 5 MRSA §933, sub-§1, ¶T.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapter 368, Part X and chapter 405, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. 9. 5 MRSA §933, sub-§1, ¶¶R and S, as enacted by PL 2013, c. 405, Pt. A, §5, are corrected to read:

R. Director, Bureau of Agriculture, Food and Rural Resources; ~~and~~

S. Director, Bureau of Resource Information and Land Use Planning; and

EXPLANATION

This section makes technical corrections.

Sec. 10. 5 MRSA §1742, sub-§6, as amended by PL 2001, c. 606, §1, is corrected to read:

6. Approve selection of architects and engineers and other professionals. To approve the selection of architects and engineers registered in Maine and other professionals in the planning, design and monitoring of construction of public improvements consistent with the policy of this State that proposals for professional, architectural and engineering services for public improvements be publicly announced, and that contracts for those services be negotiated by the contracting authority on the basis of evaluation of professional competency and qualifications required for the type of services contemplated at fair and reasonable prices.

The bureau shall adopt procedures for the procurement of any professional, architectural and engineering services for public improvements as defined in section 1741. The procedures must be adopted pursuant to Title 5, chapter 375 and be deemed a rule.

The procedure must contain a provision that, prior to initiating the process of selecting an architect or engineer or other professional for any project, the contracting authority shall advertise in a daily newspaper that serves the area in which the project is likely to be located. The advertisement must state, at a minimum, that the selection is to take place and describe the procedures that an engineer or architect or other professional may use to be considered as a candidate in the selection process.

Notwithstanding this subsection, the bureau may select a person or persons to perform professional, architectural or engineering services from the list described in this subsection without advertising or competitive selection if the cost of the services does not exceed \$25,000. The bureau shall solicit names for placement on a list by placing a general advertisement for professional, architectural or engineering services in newspapers that taken together have general circulation throughout the State. The bureau may substitute advertisement in professional journals or other publications that it finds equally effective in reaching the intended audience. The bureau may require persons responding to the advertisement to complete a qualifying questionnaire designed to address experience and expertise in performing the type of work advertised. The bureau shall prepare a list of respondents that it determines qualified and update the list at least every 2 years.

If the bureau determines that a person is not qualified for placement on the list of providers of professional, architectural or engineering services, the person may appeal that decision in writing to the Commissioner of Administrative and Financial Services within 15 days of the bureau's decision. The commissioner shall complete the appeal process and issue a decision within 15 days of the filing of the appeal. The decision of the commissioner is final;

EXPLANATION

This section makes a technical correction.

Sec. 11. 5 MRSA §1742, sub-§25, as amended by PL 2009, c. 1, Pt. CC, §1, is corrected to read:

25. Sites for child care programs. To review, in cooperation with the Office of Child Care Coordination in the Department of Health and Human Services, feasible sites for child care programs offered primarily as a service to state employees pursuant to Title 22, section 8307, subsection 2; ~~and~~

EXPLANATION

This section makes a technical correction.

Sec. 12. 5 MRSA §12004-I, sub-§49-C, as enacted by PL 2003, c. 280, §1, is corrected to read:

49-C.

Inland Fisheries and Wildlife	Landowners and Sportsmen Relations Advisory Board	Not Authorized	12 MRSA §7038 <u>§10157</u>
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EXPLANATION

This section corrects a cross-reference.

Sec. 13. 10 MRSA §1174, sub-§1, as enacted by PL 1975, c. 573, is corrected to read:

1. Damage to public. Manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action which is arbitrary, in bad faith or unconscionable and which causes damage to any of said parties or to the public;

Sec. 14. 10 MRSA §1174, sub-§2, ¶¶A and B, as enacted by PL 1975, c. 573, are corrected to read:

A. To order or accept delivery of any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities which such motor vehicle dealer has not voluntarily ordered, or to order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of said motor vehicles as publicly advertised by the manufacturer thereof; or

B. To order for any person any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever;

Sec. 15. 10 MRSA §1174, sub-§3, ¶E, as amended by PL 1979, c. 498, §1, is corrected to read:

E. To offer to sell or to sell any new motor vehicle at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price; provided, however, this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government; and provided, further, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by said dealer in a driver education program; and provided further, that this paragraph shall not apply so long as a manufacturer, distributor, wholesaler or any agent

thereof, offers to sell or sells new motor vehicles to all motor vehicle dealers at an equal price. This paragraph shall not apply to sales by a manufacturer, distributor or wholesaler to the United States Government or any agency thereof;

Sec. 16. 10 MRSA §1174, sub-§3, ¶¶G and H, as enacted by PL 1975, c. 573, are corrected to read:

G. To offer to sell or to sell parts or accessories to any new motor vehicle dealer for use in ~~his~~ that dealer's own business for the purpose of replacing or repairing the same or a comparable part or accessory, at a lower actual price therefor than the actual price charged to any other new motor vehicle dealer for similar parts or accessories for use in ~~his~~ that dealer's own business; provided, however, in those cases where motor vehicle dealers operate and serve as wholesalers of parts and accessories to retail outlets, nothing contained in this chapter shall be construed to prevent a manufacturer, distributor, wholesaler or any agent thereof from selling to a motor vehicle dealer who operates and services as a wholesaler of parts and accessories, such parts and accessories as may be ordered by such motor vehicle dealer for resale to retail outlets, at a lower price than the actual price charged a motor vehicle dealer who does not operate or serve as a wholesaler of parts and accessories;

H. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the capital structure of ~~his~~ that dealer's dealership or the means by or through which ~~he~~ that dealer finances the operation of ~~his~~ the dealership, provided the dealer at all times meets any reasonable capital standards agreed to between the dealership and the manufacturer, distributor or wholesaler, and provided such change by the dealer does not result in a change in the executive management control of the dealership;

Sec. 17. 10 MRSA §1174, sub-§3, ¶J, as enacted by PL 1975, c. 573, is corrected to read:

J. To obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motor vehicle dealer does business, on account of or in relation to the transactions between the dealer and said other person, unless such benefit is promptly accounted for and transmitted to the motor vehicle dealer;

Sec. 18. 10 MRSA §1174, sub-§3, ¶L, as amended by PL 1981, c. 470, Pt. A, §23, is corrected to read:

L. To require a motor vehicle dealer to assent to a release assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this chapter; ~~or~~

Sec. 19. 10 MRSA §1174, sub-§3, ¶U, as enacted by PL 2009, c. 367, §6, is corrected to read:

U. To cancel, terminate, fail to renew or refuse to continue any franchise relationship with a licensed new motor vehicle dealer not less than 180 days prior to the effective date of such termination, cancellation, noncontinuance or nonrenewal that occurs in whole or in part as a result of any change in ownership, operation or control of all or any part of the business of the manufacturer, whether by sale or transfer of assets, corporate stock or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, operation of law or otherwise; or the termination, suspension or cessation of a part or all of the business operations of the manufacturer; or discontinuance of the sale of the product line or a change in distribution system by the manufacturer, whether

through a change in distributors or the manufacturer's decision to cease conducting business through a distributor altogether.

In addition to any other payments or requirements in this chapter, if a termination, cancellation, noncontinuance or nonrenewal was premised in whole or in part upon any of the occurrences set forth in this paragraph, the manufacturer is liable to the licensed new motor vehicle dealer in an amount at least equivalent to the fair market value of the franchise arising from the termination, cancellation, noncontinuance or nonrenewal of the franchise.

- (1) If liability is based on the fair market value of the franchise, which must include diminution in value of the facilities leased or owned by the dealer as a result of the loss of the franchise to operate in the facilities, the fair market value must be computed on the date in divisions (a) to (c) that yields the highest fair market value:
 - (a) The date the manufacturer announces the action that results in termination, cancellation, noncontinuance or nonrenewal;
 - (b) The date the action that results in termination, cancellation, noncontinuance or nonrenewal first becomes general knowledge; or
 - (c) The date 12 months prior to the date on which the notice of termination, cancellation, noncontinuance or nonrenewal is issued.

If the termination, cancellation, noncontinuance or nonrenewal is due to the manufacturer's change in distributors, the manufacturer may avoid paying fair market value to the licensed new motor vehicle dealer if the new distributor or the manufacturer offers the dealer a franchise agreement with terms acceptable to the dealer.

If an entity other than the original manufacturer of a line make becomes the manufacturer for the line make and intends to distribute motor vehicles of that line make in this State, that entity shall honor the franchise agreements of the original manufacturer and its licensed new motor vehicle dealers or offer those dealers of that line make, or of motor vehicles historically of that line make that are substantially similar in their design and specifications and are manufactured in the same facility or facilities, a new franchise agreement with substantially similar terms and conditions; ~~and~~

Sec. 20. 10 MRSA §1174, sub-§3-A, as enacted by PL 2009, c. 432, §2, is corrected to read:

3-A. Successor manufacturer. Successor manufacturer, for a period of 5 years from the date of acquisition of control by that successor manufacturer, to offer a franchise to any person for a line make of a predecessor manufacturer in any franchise market area in which the predecessor manufacturer previously cancelled, terminated, noncontinued, failed to renew or otherwise ended a franchise agreement with a franchisee who had a franchise facility in that franchise market area without first offering the franchise to the former franchisee at no cost, unless:

- A. Within 30 days of the former franchisee's cancellation, termination, noncontinuance or nonrenewal, the predecessor manufacturer had consolidated the line make with another of its line makes for which the predecessor manufacturer had a franchisee with a then-existing franchise facility in that franchise market area;
- B. The successor manufacturer has paid the former franchisee the fair market value of the former franchisee's motor vehicle dealership in accordance with this subsection; or

C. The successor manufacturer proves that the former franchisee is not competent to be a franchisee.

For purposes of this subsection, "franchise market area" means the area located within 15 miles of the territorial limits of the municipality in which the former franchisee's franchise facility was located.

For purposes of this subsection, the fair market value of a former franchisee's motor vehicle dealership must be calculated as of the date of the following that yields the highest fair market value: the date the predecessor manufacturer announced the action that resulted in the cancellation, termination, noncontinuance or nonrenewal; the date the action that resulted in cancellation, termination, noncontinuance or nonrenewal became final; or the date 12 months prior to the date that the predecessor manufacturer announced the action that resulted in the cancellation, termination, noncontinuance or nonrenewal; and

EXPLANATION

Sections 13 to 20 make technical corrections and correct gender-specific language.

Sec. 21. 11 MRSA §9-1102, sub-§(7), ¶(b), as repealed and replaced by PL 2013, c. 317, Pt. A, §1, is corrected to read:

(b). With present intent to adopt or accept a record, to attach to or logically associate with the record ~~on~~ an electronic sound, symbol or process.

EXPLANATION

This section corrects a clerical error.

Sec. 22. 12 MRSA §6072, sub-§13, ¶G, as amended by PL 2013, c. 301, §1, is corrected to read:

G. For adding or deleting authorization for the holder of an aquaculture lease to grow specific species and use specific gear on the lease site. A change in authorization is not an adjudicatory proceeding. The regulations must provide for notice of proposed changes in gear authorization to the lessee, the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add or delete species or gear must be consistent with the findings made under subsection 7-A when the lease was approved; and

EXPLANATION

This section makes a technical correction.

Sec. 23. 12 MRSA §6748, sub-§2, ¶B, as enacted by PL 2013, c. 282, §6, is corrected to read:

B. A holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases sea urchins from an unlicensed person acting as a tender must purchase the sea urchins by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license ~~with~~ with a sea urchin processor's permit or a retail seafood license who purchases sea urchins from an unlicensed person acting as a tender shall report the information provided by the person under paragraph A, subparagraph (2) in accordance with section 6173.

EXPLANATION

This section corrects a clerical error.

Sec. 24. 12 MRSA §8428, sub-§10, as enacted by PL 1985, c. 664, §3, is corrected to read:

10. Report. The director shall, at the end of each calendar year, undertake a complete financial review of any management program activities undertaken that year and shall make a full report on the ~~activities~~ activities to the next session of the Legislature. The report shall include, but not be limited to, sources of funding, private, state or federal and total expenditures broken down in the following categories: Insecticides, aircraft, monitoring, research and other appropriate categories. Also to be included shall be a statement of any remaining balance by source, private, state or federal.

EXPLANATION

This section corrects a clerical error.

Sec. 25. 12 MRSA §8868, sub-§1-A, as enacted by PL 2011, c. 599, §7, is corrected to read:

1-A. Commission. "Commission" means the Maine Land Use ~~Regulation~~ Planning Commission established under section ~~683~~ 683-A.

EXPLANATION

This section corrects a reference to a commission and also corrects a cross-reference.

Sec. 26. 12 MRSA §11209, as amended by PL 2013, c. 215, §1, is corrected to read:

§11209. Discharge of firearm ~~or~~, crossbow or bow and arrow near dwelling or building

1. Prohibition. A person may not:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in sections 12401 and 12402, discharge a firearm, including muzzle-loading firearms, crossbow or bow and arrow or cause a projectile to pass as a result of that discharge within 100 yards of a building or residential dwelling without the permission of the owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or

B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part.

This subsection may not be construed to prohibit a person from killing or taking a wild animal in accordance with sections 12401 and 12402.

For purposes of this subsection, "building" means any residential, commercial, retail, educational, religious or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

For purposes of this subsection, "projectile" means a bullet, pellet, shot, shell, ball, bolt or other object propelled or launched from a firearm, crossbow or bow and arrow.

2. Penalty. A person who violates subsection 1 commits a Class E crime.

EXPLANATION

This section corrects a headnote to reflect the intent of the section.

Sec. 27. 16 MRSA c. 3, sub-c. 10, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA c. 3, sub-c. 11.

Sec. 28. 16 MRSA §641, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §647.

Sec. 29. 16 MRSA §642, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §648.

Sec. 30. 16 MRSA §643, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §649.

Sec. 31. 16 MRSA §644, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §650.

Sec. 32. 16 MRSA §645, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §650-A.

Sec. 33. 16 MRSA §646, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §650-B.

EXPLANATION

Sections 27 to 33 correct a numbering problem created by Public Law 2013, chapters 402 and 409, which enacted 2 substantively different subchapters with the same subchapter number, by reallocating the subchapter and sections enacted by chapter 409.

Sec. 34. 20-A MRSA §6973, sub-§1, ¶G, as enacted by PL 2013, c. 318, §3, is corrected to read:

G. The identity of the service provider, if any, with which a career and technical center or region plans to contract ~~with~~ pursuant to section 6972, subsection 2.

EXPLANATION

This section corrects a clerical error.

Sec. 35. 21-A MRSA §1204-B, sub-§22, ¶B, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is corrected to read:

B. In York County, the following census units in the minor civil division of Buxton: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2038, 2050, 3000, 3032, 3033 and 3044 of Tract 020000; the following census units in the minor civil division of Limerick: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2028 and 2029 of Tract 023000; and the minor civil division of Limington.

Sec. 36. 21-A MRSA §1204-B, sub-§118, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is corrected to read:

A. In Franklin County, the unorganized ~~territories~~ territory of Wyman Township;

Sec. 37. 21-A MRSA §1204-B, sub-§123, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is corrected to read:

A. In Penobscot County, the following census units in the minor civil division of Orono: Tract 006100; ~~blocks~~ Blocks 1000, 1001, 1002, 1003, 1004, 1013, 1014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3012, 3013 and 3014 of Tract 006200; and Tract 006300.

Sec. 38. 21-A MRSA §1204-B, sub-§144, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is corrected to read:

A. In Aroostook County, the minor civil divisions and unorganized territories of Amity; Bancroft; Cary; Glenwood; Haynesville; Hodgdon; Houlton; Macwahoc; Orient; Reed; South Aroostook; and Weston; and the following census ~~units~~ unit of the Penobscot River: Block 4293 of Tract 952900.

EXPLANATION

Sections 35 to 38 correct clerical errors.

Sec. 39. 22 MRSA §2423-A, sub-§2, ¶I, as enacted by PL 2013, c. 371, §3, is reallocated to 22 MRSA §2423-A, sub-§2, ¶J.

Sec. 40. 22 MRSA §2423-A, sub-§2, ¶I, as enacted by PL 2013, c. 393, §3, is reallocated to 22 MRSA §2423-A, sub-§2, ¶K.

EXPLANATION

Sections 39 and 40 correct a numbering problem created by Public Law 2013, chapters 371, 393 and 396, which enacted 3 substantively different provisions with the same paragraph letter, by reallocating the paragraphs enacted by Public Law 2013, chapters 371 and 393.

Sec. 41. 22 MRSA §2428, sub-§9, ¶E, as amended by PL 2013, c. 393, §4, is corrected to read:

E. A dispensary may acquire prepared marijuana only from a primary caregiver in accordance with section 2423-A, subsection 2, paragraph H or ~~I~~ K or through the cultivation of marijuana by that dispensary either at the location of the dispensary or at the one permitted additional location at which the dispensary cultivates marijuana for medical use by qualifying patients who have designated the dispensary to cultivate for them.

EXPLANATION

This section corrects a cross-reference.

Sec. 42. 26 MRSA §872, sub-§2-A, as amended by PL 2011, c. 620, §1, is corrected to read:

2-A. Notification. An employer filing for certification from the United States Department of Labor to hire a bond worker to operate logging equipment shall at the time of filing notify the Maine Department of Labor and provide, for the year in which the bond worker is employed, the number of bond workers requested; a list of each piece of logging equipment, including serial number, a bond worker will operate; receipts for payment for the logging equipment purchased in bona fide transactions; and documentation of payment of any tax assessed on the logging equipment pursuant to Title 36, chapter 105. An employer shall notify the Maine Department of Labor within 30 calendar days of the date on which a bond worker begins work in the State and shall specify the name of the bond worker and the anticipated locations where the bond worker will be conducting work and shall provide a copy of the United States Customs and Border ~~Protection's~~ Protection's entry form for that worker. If the notification is not provided within 30 calendar days of the date on which a

bond worker begins work, a fine of not less than \$5,000 and not more than \$25,000 must be assessed against that employer and collected by the Commissioner of Labor.

EXPLANATION

This section corrects a clerical error.

Sec. 43. 26 MRSA c. 39, as enacted by PL 2013, c. 335, Pt. A, §1, is reallocated to 26 MRSA c. 41.

Sec. 44. 26 MRSA §3301, as enacted by PL 2013, c. 335, Pt. A, §1, is reallocated to 26 MRSA §3401.

Sec. 45. 26 MRSA §3302, as enacted by PL 2013, c. 335, Pt. A, §1, is reallocated to 26 MRSA §3402.

Sec. 46. 26 MRSA §3303, as enacted by PL 2013, c. 335, Pt. A, §1, is reallocated to 26 MRSA §3403.

EXPLANATION

Sections 43 to 46 correct a numbering problem created by Public Law 2013, chapter 335 and chapter 368, Part FFFFFF, which enacted 2 substantively different chapters with the same chapter number, by reallocating the chapter and sections enacted by chapter 335.

Sec. 47. 30-A MRSA §66-B, sub-§1, ¶C, as enacted by PL 2013, c. 270, Pt. C, §2, is corrected to read:

C. Commissioner District Number 3, in the County of Androscoggin, consists of the minor civil divisions of Durham and Greene; and, the following census units in the minor civil division of Lewiston: Blocks 3019, 3020, 3021 and 3022 of Tract 020500; Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078 and 2079 of Tract 020600; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4014, 4019, 4020, 4021, 4022, 4023, 4024 and 4025 of Tract 020800. The term of office of the county commissioner from this district expires in 2014 and every 4 years thereafter.

EXPLANATION

This section corrects a clerical error.

Sec. 48. 30-A MRSA §66-B, sub-§2, ¶A, as enacted by PL 2013, c. 270, Pt. C, §2, is corrected to read:

A. Commissioner District Number 1, in the County of Aroostook, consists of the minor civil divisions and unorganized territories of Amity, Bancroft, Blaine, Bridgewater, Cary, Central Aroostook, Crystal, Dyer Brook, Easton, Fort Fairfield, Glenwood, Hammond, Haynesville, Hersey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Macwahoc, Mars Hill, Merrill, Monticello, Moro, New Limerick, Oakfield, Orient, Oxbow, Reed, Sherman, Smyrna, South Aroostook and Weston and the following census ~~units~~ unit of the Penobscot River: Block 4293 of Tract 952900. The term of office of the county commissioner from this district expires in 2014 and every 4 years thereafter.

EXPLANATION

This section corrects a clerical error.

Sec. 49. 32 MRSA §9853, sub-§3, as amended by PL 2007, c. 402, Pt. X, §1, is corrected to read:

3. Meetings; chair ~~quorum~~. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members.

EXPLANATION

This section corrects a headnote.

Sec. 50. 35-A MRSA §3452-A, as enacted by PL 2013, c. 325, §2, is corrected to read:

§3452-A. Impact on Bicknell's Thrush habitat; adverse effect

If any portion of the generating facilities or associated facilities of a wind energy development is proposed to be located within a ~~conterminous~~ conterminous area of coniferous forest that lies above 2,700 feet in elevation, is at least 25 acres in size and provides suitable habitat for Bicknell's Thrush, *Catharus bicknelli*, and in which sightings of Bicknell's Thrush have been documented to occur during the bird's breeding season within the previous 15 years, there is a rebuttable presumption that the development would constitute a significant adverse effect on natural resources for the purposes of Title 38, section 484, subsection 3. The presumption extends to the entire ~~conterminous~~ conterminous area of suitable habitat and is not limited to the parts of the area immediately proximate to where Bicknell's Thrush sightings have been documented.

EXPLANATION

This section corrects clerical errors.

Sec. 51. 36 MRSA §651, sub-§1, as amended by PL 1981, c. 595, §4, is corrected to read:

1. Public property.

A. The property of the United States so far as the taxation of such property is prohibited under the Constitution and laws of the United States-;

B. The property of the State of Maine-;

B-1. Real estate owned by the Water Resources Board of the State of New Hampshire and used for the preservation of recreational facilities in this State-;

C. All property which by the Articles of Separation is exempt from taxation-;

D. The property of any public municipal corporation of this State appropriated to public uses, if located within the corporate limits and confines of such public municipal corporation-;

E. The pipes, fixtures, hydrants, conduits, gatehouses, pumping stations, reservoirs and dams, used only for reservoir purposes, of public municipal corporations engaged in supplying water, power or light, if located outside of the limits of such public municipal corporation-;

F. All airports and landing fields and the structures erected thereon or contained therein of public municipal corporations whether located within or without the limits of such public municipal corporations. Any structures or land contained within such airport not used for airport or aeronautical purposes shall not be entitled to this exemption. Any public municipal corporation which is required to pay taxes to another such corporation under this paragraph with respect to any airport or landing field shall be reimbursed by the county wherein the airport is situated-; and

G. The pipes, fixtures, conduits, buildings, pumping stations and other facilities of a public municipal corporation used for sewage disposal, if located outside the limits of such public municipal corporation.

EXPLANATION

This section makes technical corrections.

Sec. 52. 36 MRSA §5122, sub-§1, ¶HH, as enacted by PL 2013, c. 368, Pt. TT, §4, is corrected to read:

HH. For taxable years beginning in 2013:

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

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

EXPLANATION

This section corrects cross-references.

Sec. 53. 36 MRSA §5200-A, sub-§1, ¶AA, as enacted by PL 2013, c. 368, Pt. TT, §14, is corrected to read:

AA. For taxable years beginning in 2013:

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

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

EXPLANATION

This section corrects cross-references.

Sec. 54. 36 MRSA §5219-II, as enacted by PL 2013, c. 368, Pt. TT, §18, is reallocated to 36 MRSA §5219-JJ.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapter 368, Parts L and TT, which enacted 2 substantively different provisions with the same section number.

Sec. 55. 36 MRSA §6221, as enacted by PL 2013, c. 368, Pt. L, §2, is corrected to read:

§6221. Termination of Circuitbreaker Program

No benefits are allowed under this chapter for an application filed on or after August, 1, 2013.

EXPLANATION

This section corrects a clerical error.

Sec. 56. 36 MRSA §6233, as enacted by PL 2013, c. 368, Pt. L, §3, is corrected to read:

§6233. Termination of program

No benefits are allowed under this chapter for an application filed on or after August, 1, 2013.

EXPLANATION

This section corrects a clerical error.

Sec. 57. PL 2013, c. 256, §12 is corrected to read:

Sec. 12. P&SL 1989, c. 108, §4, as amended by P&SL 2003, c. 11, §1, is further amended to read:

Sec. 4. Location of the reserve. The reserve is located in the Town of Wells and includes lands between the Little River to the north and the Ogunquit River to the south. The boundary to the east parallels the shoreline, excluding the shoreline development, and to the west includes lands adjacent to the Wells coastal wetlands and within the drainage basins of their tributary streams. Specifically, the reserve contains:

1. Lands in the Rachel Carson National Wildlife Refuge managed by the United States Fish and Wildlife Service;
2. Land purchased or acquired for a state park managed by the Department of Agriculture, Conservation and Forestry;
3. Submerged tidal lands managed by the Department of Agriculture, Conservation and Forestry;
4. Land purchased by the Town of Wells or the State;
5. Land donated by the Town of Wells to the Department of Agriculture, Conservation and Forestry as a conservation easement; and
6. Other lands or interests in land in the location described in this section acquired by the reserve from willing sellers or added to the reserve by agreement for the purpose of furthering the reserve's conservation, research or educational programs.

EXPLANATION

This section corrects a clerical error.

Sec. 58. PL 2013, c. 335, Pt. B, §1, sub-§6 is corrected to read:

6. Duties; powers. The coalition shall:

- A. Promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities to advance integrated community-based employment and customized employment services for persons with disabilities;
- B. Review, on a continuing basis, state policies, plans, programs and activities concerning the integrated community-based employment and customized employment of persons with disabilities that are conducted or assisted, in whole or in part, by state agencies or state funds in order to determine whether such policies, programs, plans and activities effectively meet the employment needs of persons with disabilities;
- C. Serve as a conduit for information and input to aid in the implementation of the Maine Revised Statutes, Title 26, chapter ~~39~~ 41 for advocacy groups, commissions and councils that focus on issues facing persons with disabilities in the State;
- D. Make recommendations to the Governor, the Legislature and state agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;
- E. Review and comment on proposed legislation affecting the employment of persons with disabilities; and
- F. Propose and promote rules and policies to state agencies that provide services and supports to persons with disabilities to improve integrated community-based employment and customized employment of persons with disabilities.

The coalition may submit annually, by the first Wednesday in December, proposed legislation to the Legislature to improve integrated community-based employment and customized employment of persons with disabilities. Legislation submitted pursuant to this subsection may include recommendations regarding extending the coalition's authorization beyond the date specified in subsection 7.

For purposes of this subsection, "customized employment" has the same meaning as in the Maine Revised Statutes, Title 26, section ~~3302~~ 3402, subsection 1; "integrated community-based employment" has the same meaning as in Title 26, section ~~3302~~ 3402, subsection 4; and "state agency" has the same meaning as in Title 26, section ~~3302~~ 3402, subsection 5.

EXPLANATION

This section corrects cross-references.

Sec. 59. P&SL 2013, c. 15, §6, 2nd ¶ is corrected to read:

As soon as convenient after this Act becomes effective, the trustees shall meet and elect from among their members a president and clerk, adopt a corporate seal and elect a treasurer, who may or may not be a trustee, and any other officers and agents as needed, who with the treasurer serve at the pleasure of the trustees. The treasurer shall furnish a bond in the sum and with sureties approved by the trustees. The utilities district shall pay the cost of the bond. Members of the board of trustees may hold any office under the board, but may not receive any compensation, except as trustees, unless authorized by vote of the city council of the City of Presque Isle. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 7 and Title 38, section 1252, subsection 5, the compensation of the trustees is

\$500 per annum, unless otherwise provided by vote of the city council. Whenever a vacancy occurs in the office of president, clerk or treasurer it must be promptly filled by the trustees.

EXPLANATION

This section corrects a clerical error.
