

**REVISOR'S REPORT 2025**  
**Chapter 1**

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

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## PART A

**Sec. A-1. 1 MRSA §150-V**, as enacted by PL 2025, c. 81, §1, is reallocated to 1 MRSA §150-X.

### EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 24 and 81, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-2. 1 MRSA §150-W**, as enacted by PL 2025, c. 179, §1, is reallocated to 1 MRSA §150-Y.

### EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 144 and 179, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-3. 1 MRSA §232**, as enacted by PL 2025, c. 32, §1, is reallocated to 1 MRSA §233.

**Sec. A-4. 1 MRSA §232**, as enacted by PL 2025, c. 56, §1, is reallocated to 1 MRSA §234.

### EXPLANATION

These sections correct a numbering problem created by Public Law 2025, chapters 31, 32 and 56, which enacted 3 substantively different provisions with the same section number.

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**Sec. A-5. 4 MRSA §1610-R**, as enacted by PL 2025, c. 454, §1, is reallocated to 4 MRSA §1610-T.

### EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 388 and 454, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-6. 5 MRSA §3232, sub-§4**, as enacted by PL 2025, c. 388, Pt. D, §12, is corrected to read:

**4. Encumbered balances at year-end.** Notwithstanding ~~Title 5~~, section 1589, at the end of each fiscal year, all encumbered balances accounts for financial assistance and

regional planning grants may be carried forward for 2 years beyond the year in which those balances are encumbered.

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-7. 5 MRSA §3234, sub-§1, ¶A**, as enacted by PL 2025, c. 388, Pt. D, §12, is corrected to read:

A. A locally designated growth area, as identified in a comprehensive plan adopted pursuant to and consistent with the procedures, goals and guidelines of Title 30-A, chapter 187, subchapter 2 or as identified in a growth management program certified under section 3233-;

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-8. 5 MRSA §8053, sub-§3, ¶F**, as amended by PL 2025, c. 384, §8, is corrected to read:

F. Indicate where information may be obtained about any adverse economic impact on small businesses that was documented by the agency proposing the rule pursuant to section 8052, subsection 5-A ~~may be obtained~~; and

#### EXPLANATION

This section corrects a clerical error.

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**Sec. A-9. 5 MRSA §8053, sub-§6**, as amended by PL 2025, c. 384, §13, is corrected to read:

**6. Online posting of agency rule-making notices regarding adoption.** In addition to the online posting of agency rule-making proposal notices required in subsection 5, the Secretary of State shall post, or cause to be posted, on the Secretary of State's publicly accessible website the weekly notices of agency rule-making adoptions, provisional adoptions and final adoptions. The notices regarding adoption and final adoption must state the effective date of the adopted or finally adopted rules, as well as provide the information specified in ~~section 8053~~, subsection 3, paragraphs A-1, A-2, A-3, C-1, D-1 and G.

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-10. 5 MRSA §19203, sub-§8**, as amended by PL 2007, c. 539, Pt. N, §6, is corrected to read:

**8. ~~Bureau of Health~~ Department of Health and Human Services.** To the Department of Health and Human Services, which may disclose results to other persons only if that disclosure is necessary to carry out its duties as provided in Title 22, section 42 and Title 22, chapters 250 and 251;

#### EXPLANATION

This section corrects a clerical error and makes a technical correction.

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**Sec. A-11. 7 MRSA c. 10-E**, as enacted by PL 2025, c. 65, §5, is reallocated to 7 MRSA c. 10-F.

**Sec. A-12. 7 MRSA §341**, as enacted by PL 2025, c. 65, §5, is reallocated to 7 MRSA §320-AA.

#### EXPLANATION

These sections correct a numbering problem created by Public Law 2025, chapters 65 and 183, which enacted 2 substantively different provisions with the same chapter number.

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**Sec. A-13. 7 MRSA §1808-A, 2nd ¶**, as amended by PL 2025, c. 141, §1, is corrected to read:

An animal vaccinated against rabies by a person who is not a licensed veterinarian, a certified rabies vaccinator appointed and certified pursuant to section 3920 or a licensed veterinary technician under the direct supervision or indirect supervision of a licensed veterinarian may not be certified as vaccinated against rabies and must be treated as an unvaccinated animal under Title 22, chapter 251, subchapter 5 and rules adopted pursuant to that chapter. For purposes of this section, "direct supervision" has the same meaning as in Title 32, section 4853, subsection 4-A; "indirect supervision" has the same meaning as in Title 32, section 4853, subsection 4-B; "licensed veterinarian" has the same meaning as in Title 32, section 4853, subsection 5; and "licensed veterinary technician" has the same meaning as in Title 32, section 4853, subsection 11.

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-14. 7 MRSA §3923-B, sub-§2-A**, as amended by PL 2025, c. 141, §9, is corrected to read:

**2-A. Rabies tags.** An owner or keeper shall ensure that a rabies tag obtained from a veterinarian, a licensed veterinary technician under the direct supervision or indirect

supervision of a licensed veterinarian or a certified rabies vaccinator for immunization against rabies is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the rabies tag was issued, except as provided in subsection 3. For purposes of this section, "direct supervision" has the same meaning as in Title 32, section 4853, subsection 4-A; "indirect supervision" has the same meaning as in Title 32, section 4853, subsection 4-B; "licensed veterinarian" has the same meaning as in Title 32, section 4853, subsection 5; and "licensed veterinary technician" has the same meaning as in Title 32, section 4853, subsection 11.

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-15. 10 MRSA c. 239**, as enacted by PL 2025, c. 294, §1, is reallocated to 10 MRSA c. 241.

**Sec. A-16. 10 MRSA §1500-Y**, as enacted by PL 2025, c. 294, §1, is reallocated to 10 MRSA §1500-DD.

**Sec. A-17. 10 MRSA c. 239**, as enacted by PL 2025, c. 209, §1, is reallocated to 10 MRSA c. 243.

**Sec. A-18. 10 MRSA §1500-Y**, as enacted by PL 2025, c. 209, §1, is reallocated to 10 MRSA §1500-HH.

**Sec. A-19. 10 MRSA c. 239**, as enacted by PL 2025, c. 350, §1, is reallocated to 10 MRSA c. 245.

**Sec. A-20. 10 MRSA §1500-Z**, as enacted by PL 2025, c. 350, §1, is reallocated to 10 MRSA §1500-LL.

#### EXPLANATION

These sections correct a numbering problem created by Public Law 2025, chapters 209, 294, 350 and 404, which enacted 4 substantively different provisions with the same chapter number.

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**Sec. A-21. 11 MRSA §9-1315, sub-§(4), ¶(a)**, as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is corrected by correcting subparagraph (iii) to read:

(iii) ~~the~~ The proceeds are not acquired with cash proceeds;

#### EXPLANATION

This section corrects a clerical error.

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**Sec. A-22. 11 MRSA §9-1526, sub-§(2), ¶(a)**, as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is corrected to read:

(a). Consult with filing offices in other jurisdictions that enact substantially this part;  
and

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-23. 12 MRSA §6866, sub-§8**, as enacted by PL 2025, c. 169, §4, is corrected to read:

**8. Review.** Prior to the repeal of this section pursuant to subsection 6 7, the department shall conduct a review of the effectiveness of the green crab only wholesale dealer license and submit a report to the 134th Legislature in 2030. The report must include the department's recommendations concerning possible continuation or modification of the green crab only wholesale dealer license.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. A-24. 12 MRSA §8885, sub-§2-B**, as enacted by PL 2025, c. 96, §4, is corrected by correcting the first blocked paragraph to read:

A landowner that enrolled in a forest carbon program or project prior to ~~the effective date of this subsection~~ September 24, 2025 must file the report required pursuant to this subsection 2-B by July 1, 2026.

#### EXPLANATION

This section corrects a cross-reference and replaces a general description of an effective date with the actual effective date.

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**Sec. A-25. 12 MRSA §13068-A, sub-§4, ¶A**, as amended by PL 2025, c. 148, §1 and affected by §2, is corrected by correcting subparagraph (2-A) to read:

(2-A) Fails to ensure that a child who has not attained 13 years of age, including the operator, is wearing an appropriate United States Coast Guard approved personal flotation device while the watercraft is underway and used for recreational purposes unless the child who has not attained 13 years of age is below decks or in an enclosed cabin. This subparagraph does not apply to a watercraft with a United States Coast Guard certificate of inspection;

**Sec. A-26. Effective date.** That section of this Part that corrects the Maine Revised Statutes, Title 12, section 13068-A, subsection 4, paragraph A, subparagraph (2-A) takes effect January 1, 2026.

#### EXPLANATION

These sections make a technical correction.

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**Sec. A-27. 20-A MRSA §1001, sub-§23,** as enacted by PL 2025, c. 308, §1, is reallocated to 20-A MRSA §1001, sub-§24.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 210 and 308, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. A-28. 22 MRSA §264, sub-§3, ¶H-1,** as enacted by PL 2025, c. 127, §2, is corrected to read:

H-1. An advanced practice registered nurse who is licensed under Title 32, chapter 31 or a health care provider who is licensed under Title 32, chapter 36 or 48 and who has experience as a primary care provider;

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-29. 22 MRSA §1812-M,** as enacted by PL 2025, c. 237, §4, is reallocated to 22 MRSA §1812-N.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 129 and 237, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-30. 22 MRSA §2660-AA, sub-§4,** as amended by PL 2025, c. 425, §2, is corrected to read:

**4. Regulated PFAS contaminants.** "Regulated PFAS contaminants" means those contaminants regulated under 40 Code of Federal Regulations, Section 141.61(c)(2), as promulgated on April 26, 2024, and not as superseded by subsequent versions of that federal ~~rule~~ regulation.

## EXPLANATION

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

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**Sec. A-31. 23 MRSA §4304, 2nd ¶**, as enacted by PL 1985, c. 253, is corrected to read:

The board, in consultation with the Commissioner of Transportation, shall name ferry terminals and ferries constructed for and maintained by the Department of Transportation to operate as part of the Maine State Ferry Service.

## EXPLANATION

This section corrects a clerical error.

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**Sec. A-32. 23 MRSA §4408**, as enacted by PL 2025, c. 282, §1, is reallocated to 23 MRSA §4409.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 228 and 282, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-33. 24-A MRSA §1420-Q, sub-§11**, as enacted by PL 2025, c. 238, §1, is corrected to read:

**11. Rulemaking.** The superintendent may issue guidance by rule or otherwise setting forth any additional requirements and limitations for apprentice insurance producer licensing and sponsorship, including eligible and ineligible lines of insurance and limitations or standards for commissions. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, ~~chapter~~ subchapter 2-A.

## EXPLANATION

This section corrects a cross-reference.

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**Sec. A-34. 24-A MRSA §4349-A**, as enacted by PL 2025, c. 487, §3, is reallocated to 24-A MRSA §4349-B.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 335 and 487, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-35. 26 MRSA §1191, sub-§4, ¶A**, as amended by PL 2025, c. 235, §9, is corrected to read:

A. If a dislocated worker, as defined in section 1196, subsection 1, qualifies for additional benefits under section 1196, subsection 1-A, or exhausts the worker's entitlement to benefits available to the worker under this subsection, the maximum amount under this subsection is the product of the worker's most recent weekly benefit amount multiplied by the number of weeks in which the worker thereafter attends an approved training program. An increase may not be made under this paragraph, with respect to any benefit period, greater than 26 times the individual's weekly benefit amount.

(1) Benefits paid to an individual under this paragraph may not be charged against the experience rating record of any employer, but must be charged to the General Fund.

(2) Benefits may not be paid under this paragraph to an individual:

(b) Until the individual has exhausted benefits for which the individual is eligible under an unemployment insurance benefit program funded in whole or in part by the State or the Federal Government; or

(c) Who is eligible for or who has exhausted, after March 20, 1986, trade adjustment allowances as provided by the United States Trade Act of 1974, 19 United States Code, ~~Section~~ Sections 2291 to 2294, and any amendments or additions thereto, or a similar successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act of 1974 may receive benefits for the number of weeks by which that individual's benefits under that Act are less than 26 weeks.

#### **EXPLANATION**

This section makes a technical correction and corrects a clerical error.

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**Sec. A-36. 26 MRSA §1192-A, sub-§4, ¶A**, as enacted by PL 2025, c. 235, §11, is corrected by correcting subparagraph (2) to read:

(2) During a period, similar to the period described in subparagraph (1), between 2 regular, but not successive, terms when provided for by an agreement; or

#### **EXPLANATION**

This section makes a technical correction.

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**Sec. A-37. 28-A MRSA §1057, sub-§5**, as enacted by PL 2025, c. 315, §1, is corrected to read:

**5. Fee.** The permit fee for a liquor judging ~~liquor judging~~ competition event permit under subsection 2 is \$20.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-38. 28-A MRSA §1358**, as enacted by PL 2025, c. 315, §2, is reallocated to 28-A MRSA §1359.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2025, chapters 313 and 315, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-39. 28-B MRSA §205, sub-§2**, as amended by PL 2019, c. 676, §6 and PL 2021, c. 669, §5, is corrected to read:

**2. Applications for multiple licenses.** An applicant may apply for and be granted multiple licenses of any license type under this chapter, except that:

A. If the applicant has applied for the issuance or renewal of a cultivation facility license, the issuance or renewal of the cultivation facility license may not result in the applicant or a person with a direct or indirect financial interest in that license holding or having a direct or indirect financial interest in:

- (1) More than 3 cultivation facility licenses; or
- (2) Multiple cultivation facility licenses with a combined total licensed amount of plant canopy exceeding 30,000 square feet, except when that exceedance is solely attributable to approved increases in the maximum licensed area of plant canopy authorized under a tier 4 cultivation facility license pursuant to section 304; and

B. If the applicant has applied for the issuance or renewal of a testing facility license or sample collector license, the applicant may not be a caregiver or registered caregiver or have an interest in a registered dispensary, a cultivation facility license, a products manufacturing facility license or a cannabis store license. If the applicant has applied for the issuance or renewal of any license under this chapter that is not a testing facility license or a sample collector license, the applicant may not have an interest in a testing facility license or a sample collector license. An applicant that meets the requirements for the issuance of a testing facility license under this chapter and the requirements of this paragraph may apply for and be issued multiple testing facility licenses. For purposes of this paragraph, "interest" means an equity ownership interest or a partial equity ownership interest or any other type of financial interest, including, but not limited to, being an investor or serving in a management position; ~~and~~.

**EXPLANATION**

This section makes technical corrections.

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**Sec. A-40. 30-A MRSA §3015**, as enacted by PL 2025, c. 456, §1, is reallocated to 30-A MRSA §3016.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 319 and 456, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-41. 30-A MRSA §4312, sub-§2**, as amended by PL 2025, c. 393, §§14 and 15, is corrected to read:

**2. Legislative purpose.** The Legislature declares that it is the purpose of this Act subchapter to:

- A. Establish, in each municipality of the State, local comprehensive planning and land use management;
- B. Encourage municipalities to identify the tools and resources to effectively plan for and manage future development within their jurisdictions with a maximum of local initiative and flexibility;
- C. Encourage local land use ordinances, tools and policies based on local comprehensive plans;
- D. Incorporate regional considerations into local planning and decision making so as to ensure consideration of regional needs and the regional impact of development;
- F. Provide for continued direct state regulation of development proposals that occur in areas of statewide concern, that directly impact natural resources of statewide significance or that by their scale or nature otherwise affect vital state interests;
- G. Encourage the widest possible involvement by the citizens of each municipality in all aspects of the planning and implementation process, in order to ensure that the plans developed by municipalities have had the benefit of citizen input; and
- J. Encourage cooperation and efficiency among municipalities in the development of multimunicipal growth management programs, multimunicipal comprehensive plans, regional inventory and analyses and local and regional policy development.

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-42. 30-A MRSA §4364-D**, as enacted by PL 2025, c. 364, §2, is reallocated to 30-A MRSA §4364-E.

**Sec. A-43. 30-A MRSA §4364-D**, as enacted by PL 2025, c. 374, §1, is reallocated to 30-A MRSA §4364-F.

## EXPLANATION

These sections correct a numbering problem created by Public Law 2025, chapters 288, 364 and 374, which enacted 3 substantively different provisions with the same section number.

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**Sec. A-44. 33 MRSA §580**, as enacted by PL 1965, c. 357, is corrected by correcting the section headnote to read:

**§580. Lien for common ~~changes~~ charges**

## EXPLANATION

This section corrects a clerical error.

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**Sec. A-45. 33 MRSA §2081, first ¶**, as enacted by PL 2019, c. 498, §22, is corrected to read:

In this subchapter, the following rules apply:

## EXPLANATION

This section makes a technical correction.

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**Sec. A-46. 34-A MRSA §1402, sub-§15**, as enacted by PL 2025, c. 485, §1, is reallocated to 34-A MRSA §1402, sub-§16.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 259 and 485, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. A-47. 34-B MRSA §3012**, as enacted by PL 2025, c. 427, §1, is reallocated to 34-B MRSA §3013.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 349 and 427, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-48. 35-A MRSA §10126, sub-§3-A, ¶C**, as enacted by PL 2025, c. 317, §3, is corrected by correcting subparagraph (2) to read:

(2) An authorized licensee of the original equipment manufacturer located outside of the State that meets all the requirements applicable to in-state authorized licensees of the original equipment manufacturer, as determined by the ~~the~~ trust;  
or

#### EXPLANATION

This section corrects a clerical error.

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**Sec. A-49. 35-A MRSA §10313, first ¶**, as enacted by PL 2025, c. 476, Pt. A, §16, is corrected to read:

The department is responsible for initiating and conducting procurements for energy, associated environmental attributes or other services from renewable and clean resources. For the purposes of this section, "renewable and clean resources" means generation eligible for any portfolio requirement in section 3210, energy storage, demand management or related transmission. Beginning January 15, 2027, and every 2 years thereafter, the department shall conduct one or more competitive solicitations during the following 2-year period to procure renewable and clean resources, which may include environmental attributes through long-term contracts if the department determines procurement is necessary to achieve the requirements of section 3210 or Title 38, section 576-A or 577 ~~or Title 35-A, section 3210~~, to meet and manage reasonably expected growth in electricity demand or to meet reliability needs or the department determines is otherwise necessary based on the comprehensive state energy plan prepared pursuant to section 10305, subsection 1. These contracts are not subject to the rules of the Chief Procurement Officer.

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-50. 35-A MRSA §10313, sub-§10**, as enacted by PL 2025, c. 476, Pt. A, §16, is corrected to read:

**10. Commission rules.** The commission shall establish a process by rule for the review of requests for proposals under ~~section~~ subsection 2, paragraph C and the review of contracts under subsection 7. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. A-51. 36 MRSA §4641-C, sub-§21**, as amended by PL 2025, c. 388, Pt. V, §8 and affected by §10 and amended by c. 484, §4, is corrected to read:

**21. Transfers pursuant to transfer on death deed.** Any transfer of real property effectuated by a transfer on death deed pursuant to Title 18-C, Article 6, Part 4; ~~and~~

**Sec. A-52. 36 MRSA §4641-C, sub-§22**, as enacted by PL 2025, c. 388, Pt. V, §9 and affected by §10, is corrected to read:

**22. Purchases by first-time home buyers participating in certain mortgage loan programs.** Deeds to property to purchasers who receive financial assistance through the Maine State Housing Authority's first-time home-buyer mortgage loan programs. The exemption under this subsection applies to both the buyer and the seller; and

**Sec. A-53. 36 MRSA §4641-C, sub-§22**, as enacted by PL 2025, c. 484, §5, is reallocated to 36 MRSA §4641-C, sub-§23.

**Sec. A-54. Effective date.** That section of this Part that corrects the Maine Revised Statutes, Title 36, section 4641-C, subsection 22 as enacted by Public Law 2025, chapter 388, Part V, section 9 takes effect November 1, 2025.

### EXPLANATION

These sections correct a numbering problem created by Public Law 2025, chapters 388 and 484, which enacted 2 substantively different provisions with the same subsection number, and make technical corrections.

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**Sec. A-55. 36 MRSA §5122, sub-§2, ¶M-3**, as enacted by PL 2025, c. 388, Pt. H, §1, is corrected to read:

M-3. For tax years beginning on or after January 1, 2025, the amount in paragraph M-2, subparagraph (1), division (a) must be reduced by an amount equal to the total amount in paragraph M-2, subparagraph (1), division (a) multiplied by a fraction, the numerator of which is the taxpayer's federal adjusted gross income less the applicable amount, except that the numerator may not be less than zero, and the denominator of which is \$50,000 in the case of a married individual filing a separate return and \$100,000 in all other filing cases. The fraction contained in this paragraph may not produce a result that is more than one. The applicable amount must be adjusted for inflation in accordance with section 5403, subsection ~~10~~ 11.

For purposes of this paragraph, "applicable amount" means:

- (1) For individuals filing as single individuals, \$125,000;
- (2) For individuals filing as heads of households, \$187,500;
- (3) For individuals filing married joint returns or as surviving spouses, \$250,000;  
or
- (4) For married individuals filing separate returns, 1/2 of the applicable amount under subparagraph (3);

### EXPLANATION

This section corrects a cross-reference to a subsection reallocated in this Part.

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**Sec. A-56. 36 MRSA §5227-A, sub-§2**, as amended by PL 2019, c. 380, §3, is corrected to read:

**2. Amended return filed.** The amended Maine return must be filed within 180 days from the final determination date of the change or correction or the filing of the ~~federal~~ amended federal return. For purposes of this subsection, "final determination date" means the date on which the earliest of the following events occurs with respect to a federal taxable year:

- A. The taxpayer has made payment of an additional income tax liability resulting from a federal audit, the taxpayer has not filed a petition for redetermination or claim for refund for the portions of the audit for which payment was made and the time for filing a petition for redetermination or refund claim has expired;
- B. The taxpayer receives a refund from the United States Treasury that resulted from a federal audit;
- C. The taxpayer signs Form 870-AD or another Internal Revenue Service form consenting to a deficiency or accepting an overassessment;
- D. The taxpayer's time for filing a petition for redetermination with the United States Tax Court expires;
- E. The taxpayer and the Internal Revenue Service enter into a closing agreement;
- F. A decision from the United States Tax Court, a District Court, a federal court of appeals, the United States Court of Federal Claims or the United States Supreme Court becomes final; and
- G. The taxpayer files an amended return or similar report pursuant to the Code, Section 6225(c).

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-57. 36 MRSA §5403, sub-§9**, as amended by PL 2025, c. 388, Pt. H, §3 and Pt. Q, §4, is corrected to read:

**9. Dependent exemption tax credit amount.** Beginning in 2024 and each year thereafter, by the dollar amount of the dependent exemption tax credit under section 5219-SS, except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2023. If the credit amount, adjusted by application of the cost-of-living adjustment, is not a multiple of \$5, any increase must be rounded to the next lowest multiple of \$5; ~~and~~

**Sec. A-58. 36 MRSA §5403, sub-§10**, as enacted by PL 2025, c. 388, Pt. Q, §5, is corrected to read:

**10. Dependent exemption phase-out.** Beginning in 2025 and each year thereafter, by the dollar amount of the applicable amounts specified in section 5219-SS, subsection 4, paragraphs A, B and C, except that, for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2024.; and

**Sec. A-59. 36 MRSA §5403, sub-§10**, as enacted by PL 2025, c. 388, Pt. H, §4, is reallocated to 36 MRSA §5403, sub-§11.

### EXPLANATION

These sections correct a numbering problem created by Public Law 2025, chapter 388, Parts H and Q, which enacted 2 substantively different provisions with the same subsection number, and make technical corrections.

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**Sec. A-60. 36 MRSA §6232, sub-§1**, as amended by PL 2025, c. 337, §2, is corrected to read:

**1. Conditions of program.** Except as provided in ~~subsection~~ subsections 1-A and 1-B, a program adopted under this section must:

- A. Require that the claimant has maintained a homestead in the municipality for a certain period of time, as determined by the municipality;
- B. Provide benefits for both owners and renters of homesteads; and
- C. Calculate benefits in a way that provides greater benefits proportionally to claimants with lower incomes in relation to their property taxes accrued or rent constituting property taxes accrued.

A program adopted under this section may impose additional standards of eligibility and procedures, as long as those standards are established by the municipality by ordinance.

### EXPLANATION

This section corrects a clerical error.

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**Sec. A-61. 38 MRSA §480-E, sub-§19**, as enacted by PL 2025, c. 329, §1, is reallocated to 38 MRSA §480-E, sub-§20.

### EXPLANATION

This section corrects a numbering problem created by Public Law 2025, chapters 122 and 329, which enacted 2 substantively different provisions with the same subsection number.



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**Sec. A-62. 38 MRSA §490-OO, sub-§2, ¶C**, as enacted by PL 2011, c. 653, §23 and affected by §33, is corrected by correcting subparagraph (12) to read:

(12) An estimate of costs for reclamation, closure and environmental protection;

#### EXPLANATION

This section makes a technical correction.

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**Sec. A-63. PL 2025, c. 119, §1, amending clause** is corrected to read:

**Sec. 1. 29-A MRSA §161**, as enacted by PL 2023, c. 419, §1 and reallocated by ~~PL~~ RR 2023, c. 1, Pt. A, §25, is amended by enacting at the end a new paragraph to read:

#### EXPLANATION

This section corrects an amending clause.

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**Sec. A-64. PL 2025, c. 388, Pt. A, §25, under the caption "LIBRARY, MAINE STATE" in the 5th occurrence of that part relating to "Maine State Library 0217,"** is corrected by correcting the initiative paragraph to read:

Initiative: Reallocates 10% of one Librarian-Specialized Services position between Federal Expenditures Fund accounts and provides funding for operational needs in the ~~Read~~ Real World, Real Science project funded by the National Aeronautics and Space Administration.

#### EXPLANATION

This section corrects a clerical error.

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### PART B

**Sec. B-1. 6 MRSA §205, sub-§6**, as enacted by PL 1993, c. 467, §4 and amended by PL 2003, c. 689, Pt. B, §6, is corrected to read:

**6. Liability.** ~~No~~ A physician, ~~physician's assistant~~ physician associate, registered nurse, person certified by the Department of Health and Human Services or hospital or other health care provider in the exercise of due care is not liable in damages or otherwise for any act done or omitted in performing the act of collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this section.

**Sec. B-2. 20-A MRSA §6359, sub-§1, ¶G-1**, as enacted by PL 1991, c. 146, §2, is corrected to read:

G-1. "School health provider" means a physician, ~~physician's assistant~~ physician associate, registered nurse or nurse practitioner licensed to practice by the State and appointed by the chief administrative officer to provide health care to the student population.

**Sec. B-3. 22 MRSA §3477, sub-§1, ¶A**, as amended by PL 2011, c. 291, §2 and c. 657, Pt. W, §5, is corrected by correcting subparagraph (4) to read:

(4) A ~~physician's assistant~~ physician associate;

**Sec. B-4. 22 MRSA §4011-A, sub-§1, ¶A**, as amended by PL 2009, c. 211, Pt. B, §18 and PL 2011, c. 657, Pt. W, §5, is corrected by correcting subparagraph (4) to read:

(4) A ~~physician's assistant~~ physician associate;

**Sec. B-5. 22 MRSA §4018, sub-§1, ¶A**, as enacted by PL 2001, c. 543, §2, is corrected to read:

A. "Medical services provider" means an individual certified, registered or licensed in the healing arts, including, but not limited to, a physician, nurse, podiatrist, optometrist, chiropractor, physical therapist, dentist, psychologist, ~~physician's assistant~~ physician associate or emergency medical services person.

**Sec. B-6. 24 MRSA §2502, sub-§1-A**, as amended by PL 2011, c. 190, §1, is corrected to read:

**1-A. Health care practitioner.** "Health care practitioner" means physicians and all others certified, registered or licensed in the healing arts, including, but not limited to, nurses, podiatrists, optometrists, chiropractors, physical therapists, dentists, psychologists, ~~physicians' assistants~~ physician associates and veterinarians.

**Sec. B-7. 24-A MRSA §6917, sub-§3, ¶B**, as amended by PL 2017, c. 407, Pt. A, §99, is corrected to read:

B. "Health and medical services" includes, but is not limited to, any services included in the furnishing of medical care, dental care to the extent covered under a medical insurance policy, pharmaceutical benefits or hospitalization, including but not limited to services provided in a hospital or other medical facility; ancillary services, including but not limited to ambulatory services; physician and other practitioner services, including but not limited to services provided by a ~~physician's assistant~~ physician associate, nurse practitioner or midwife; and behavioral health services, including but not limited to mental health and substance use disorder services.

**Sec. B-8. 29-A MRSA §2405, sub-§1**, as amended by PL 1995, c. 679, §16, is corrected to read:

**1. Persons who may report.** If, while acting in a professional capacity, a medical or osteopathic physician, resident, intern, emergency medical services person, medical examiner, ~~physician's assistant~~ physician associate, dentist, dental hygienist, dental assistant or registered or licensed practical nurse knows or has reasonable cause to believe that a person has been operating a motor vehicle, hunting or operating a snowmobile, all-terrain vehicle or watercraft while under the influence of intoxicants and that motor vehicle, snowmobile, all-terrain vehicle or watercraft or a hunter has been involved in an accident, that person may report those facts to a law enforcement official.

**Sec. B-9. 32 MRSA §12512, sub-§1, ¶B**, as amended by PL 2007, c. 402, Pt. AA, §7, is corrected by correcting subparagraph (1) to read:

(1) A baccalaureate degree from an accredited institution of higher learning, a license from the State to practice as a registered professional nurse or successful completion of the training program and any competency examination required by the Board of Licensure in Medicine to be qualified as a ~~physician's assistant~~ physician associate;

**Sec. B-10. 39-A MRSA §309, sub-§3**, as amended by PL 2015, c. 297, §10, is corrected to read:

**3. Witnesses; discovery.** All witnesses must be sworn. Sworn written evidence may not be admitted unless the author is available for cross-examination or subject to subpoena; except that sworn statements by a medical doctor or osteopathic physician relating to medical questions, by a psychologist relating to psychological questions, by a chiropractor relating to chiropractic questions, by a certified nurse practitioner who qualifies as an advanced practice registered nurse relating to advanced practice registered nursing questions or by a ~~physician's assistant~~ physician associate relating to physician assistance questions are admissible in workers' compensation hearings only if notice of the testimony to be used is given and service of a copy of the letter or report is made on the opposing counsel 14 days before the scheduled hearing.

Depositions or subpoenas of health care practitioners who have submitted sworn written evidence are permitted only if the administrative law judge finds that the testimony is sufficiently important to outweigh the delay in the proceeding.

The board may establish procedures for the prefilming of summaries of the testimony of any witness in written form. In all proceedings before the board or its designee, discovery beyond that specified in this section is available only upon application to the board, which may approve the application in the exercise of its discretion.

## EXPLANATION

This Part implements the intent of the revision clause under Public Law 2025, chapter 316, section 3, changing appearances of or references to the words "physician assistant" to "physician associate," by applying the directed change to appearances of the words "physician's assistant" and "physicians' assistants." This Part also makes a technical change.

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## PART C

**Sec. C-1. 9-A MRSA §1-107, sub-§4**, as amended by PL 1987, c. 129, §1, is corrected to read:

**4.** A settlement in which the consumer waives or agrees to forego rights or benefits under this Act is invalid if the court, as a matter of law, finds the settlement to have been unconscionable at the time it was made. The competence of the consumer, any deception or coercion practiced upon ~~him~~ the consumer, the nature and extent of the legal advice received by ~~him~~ the consumer and the value of the consideration are relevant to the issue

of unconscionability. ~~Any~~ A claim of unconscionability must be raised in a judicial action within the earlier of:

- A. Six years after the date of settlement; ~~or~~ and
- B. The limitation period applicable to the original claim ~~which~~ that was the subject of the settlement.

**Sec. C-2. 9-A MRSA §1-111**, as amended by PL 1987, c. 129, §3, is corrected to read:

**§1-111. Record retention**

~~Every~~ A person subject to this Act shall maintain records of all consumer credit transactions in conformity with generally accepted accounting principles and practices or in a manner that will enable the administrator to determine whether that person or ~~his~~ that person's assignee is complying with the provisions of this Act. The records need not be kept in the place of business where the transaction was entered into, if the administrator is given free access to the records, wherever located. All records pertaining to consumer credit transactions ~~shall~~ must be retained for at least 2 years after making the final entry on the account involved, except that in the case of open-end credit, the 2 years ~~shall~~ must be measured from the date of each account entry.

**Sec. C-3. 9-A MRSA §1-201, sub-§6**, as amended by PL 1987, c. 129, §7, is corrected to read:

**6.** For the purposes of this Act, the residence of a consumer is the address given by ~~him~~ the consumer as ~~his~~ the consumer's residence in any writing signed by ~~him~~ the consumer in connection with a credit transaction or open-end credit plan. Until ~~he~~ the consumer notifies the creditor of a new or different address in a writing for that purpose, the given address is presumed to be unchanged.

**Sec. C-4. 9-A MRSA §1-201, sub-§7**, as enacted by PL 1973, c. 762, §1, is corrected to read:

- 7.** Notwithstanding other provisions of this section:
  - A. Except as provided in subsection 3, this Act does not apply if the consumer is not a resident of this State at the time of a credit transaction and the parties have agreed that the law of ~~his~~ the consumer's residence applies; and
  - B. This Act applies if the consumer is a resident of this State at the time of a credit transaction and the parties have agreed that the law of ~~his~~ the consumer's residence applies.

**Sec. C-5. 9-A MRSA §1-203, sub-§2**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**2.** If a creditor is not a resident of this State or is a corporation not authorized to do business in this State and engages in any conduct in this State governed by this Act, or engages in a transaction subject to this Act, ~~he~~ the creditor may designate an agent upon whom service of process may be made in this State. The agent ~~shall~~ must be a resident of this State or a corporation authorized to do business in this State. The designation ~~shall~~ must be in writing and filed with the Secretary of State. If no designation is made and filed or if process cannot be served in this State upon the designated agent, process may be

served upon the Secretary of State, but service upon ~~him~~ the Secretary of State is not effective unless the plaintiff or petitioner forthwith mails a copy of the process and pleading by registered or certified mail to the defendant or respondent at ~~his~~ the defendant's or respondent's last reasonably ascertainable address. An affidavit of compliance with this section ~~shall~~ must be filed with the clerk of the court on or before the return day of the process, if any, or within any further time the court allows.

**Sec. C-6. 9-A MRSA §1-301, sub-§18**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**18.** "Earnings" means compensation paid or payable to an individual or for ~~his~~ an individual's account for personal services rendered or to be rendered by ~~him~~ the individual, whether denominated as wages, salary, commission, bonus or otherwise, and includes periodic payments pursuant to a pension, retirement, or disability program.

**Sec. C-7. 9-A MRSA §1-301, sub-§30**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**30.** "Person related to" with respect to an individual means (a) the spouse of the individual, (b) a ~~brother, brother-in-law, sister, sister-in-law~~ sibling or sibling-in-law of the individual, (c) an ancestor or lineal descendant of the individual or ~~his~~ the individual's spouse, and (d) any other relative, by blood or marriage, of the individual or ~~his~~ the individual's spouse who shares the same home with the individual. "Person related to" with respect to an organization means (a) a person directly or indirectly controlling, controlled by or under common control with the organization, (b) an officer or director of the organization or a person performing similar functions with respect to the organization or to a person related to the organization, (c) the spouse of a person related to the organization, and (d) a relative by blood or marriage of a person related to the organization who shares the same home with ~~him~~ the person.

**Sec. C-8. 9-A MRSA §1-301, sub-§34**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**34.** "Sale of an interest in land" includes, but is not limited to, a lease in which the lessee has an option to purchase the interest and all or a substantial part of the rental or other payments previously made by ~~him~~ the lessee are applied to the purchase price.

**Sec. C-9. 9-A MRSA §2-201, sub-§5**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**5.** Subject to classifications and differentiations the seller may reasonably establish, ~~he~~ the seller may make the same finance charge on all amounts financed within a specified range. A finance charge so made does not violate subsection 2 if:

A. When applied to the median amount within each range, it does not exceed the maximum permitted by subsection 2; and

B. When applied to the lowest amount within each range, it does not produce a rate of finance charge exceeding the rate calculated according to paragraph A by more than 8% of the rate calculated according to paragraph A.

**Sec. C-10. 9-A MRSA §2-201, sub-§7**, as amended by PL 1985, c. 819, Pt. B, §§3 and 4, is corrected to read:

7. The finance charge on ~~any~~ a transaction involving the credit sale of goods or services used in the modernization, rehabilitation, repair, alteration or improvement of real property, in which the seller or ~~his~~ the seller's agent installs the goods or provides the services related to the modernization, rehabilitation, repair, alteration or improvement of the real property, may not exceed 18% per year on the unpaid balances of the amount financed.

**Sec. C-11. 9-A MRSA §2-502, sub-§4**, as amended by PL 1987, c. 129, §47, is corrected to read:

4. If ~~two~~ 2 instalments or parts thereof of a precomputed consumer loan are in default for 15 days or more, the lender may elect to convert the loan from a precomputed loan to one in which the finance charge is based on unpaid balances. In this event ~~he~~ the lender shall make a rebate pursuant to the provisions on rebate upon prepayment, section 2-510, as of the maturity date of the first delinquent instalment, and thereafter may make a finance charge as authorized by the provisions on loan finance charge for consumer loans, section 2-401. The amount of the rebate ~~shall~~ may not be reduced by the amount of any permitted minimum charge, section 2-510. If the creditor proceeds under this subsection, any delinquency or deferral charges made with respect to instalments due at or after the maturity date of the first delinquent instalment ~~shall~~ must be rebated, and ~~no~~ further delinquency or deferral charges ~~shall~~ may not be made.

**Sec. C-12. 9-A MRSA §2-506, sub-§1**, as amended by PL 1987, c. 129, §52, is corrected to read:

1. If the agreement with respect to a consumer credit transaction contains covenants by the consumer to perform certain duties pertaining to insuring or preserving collateral and the creditor pursuant to the agreement pays for performance of the duties on behalf of the consumer, ~~he~~ the creditor may add the amounts paid to the debt. Within a reasonable time after advancing any sums, ~~he~~ the creditor shall state to the consumer in writing the amount of the sums advanced, any charges with respect to this amount; and any revised payment schedule and, if the duties of the consumer performed by the creditor pertain to insurance, a brief description of the insurance paid for by the creditor including the type and amount of coverages. No further information need be given.

**Sec. C-13. 9-A MRSA §2-510, sub-§9**, as repealed and replaced by PL 1975, c. 433, §1, is corrected to read:

9. Upon prepayment in full of a precomputed consumer credit transaction by the proceeds of consumer credit insurance, section 4-103, the consumer or ~~his~~ the consumer's estate is entitled to the same rebate as though the consumer had prepaid the agreement on the date the proceeds of insurance are paid to the creditor, but no later than 14 days after satisfactory proof of loss is furnished to the creditor.

**Sec. C-14. 9-A MRSA §3-203**, as enacted by PL 1973, c. 762, §1, is corrected to read:

### **§3-203. Notice of assignment**

The consumer is authorized to pay the original creditor until ~~he~~ the consumer receives notification of assignment of rights to payment pursuant to a consumer credit transaction and that payment is to be made to the assignee. A notification ~~which~~ that does not clearly and conspicuously identify the rights assigned is ineffective. If requested by the consumer,

the assignee must seasonably furnish reasonable proof that the assignment has been made and unless ~~he~~ the assignee does so the consumer may pay the original creditor.

**Sec. C-15. 9-A MRSA §3-204, sub-§3, ¶A**, as amended by PL 1983, c. 720, §12, is corrected to read:

A. The consumer, after receiving the notice of the change and ~~his~~ the consumer's rights specified in subsection 2, agrees in writing to the change; or

**Sec. C-16. 9-A MRSA §3-204, sub-§4**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**4.** The notice provided for in this section is given to the consumer when mailed to ~~him~~ the consumer at the address used by the creditor for sending periodic billing statements.

**Sec. C-17. 9-A MRSA §3-206, sub-§2, ¶D**, as enacted by PL 1981, c. 264, §1, is corrected to read:

D. The fact that the creditor can take legal action against the person even though ~~he~~ the person has not received any personal benefit in connection with the transaction; and

**Sec. C-18. 9-A MRSA §3-206, sub-§2, ¶E**, as amended by PL 1981, c. 638, §5, is corrected to read:

E. A statement informing the person of ~~his~~ the person's right to a copy of the agreement that creates ~~his~~ the person's obligation.

**Sec. C-19. 9-A MRSA §3-206, sub-§3**, as enacted by PL 1981, c. 264, §1, is corrected to read:

**3. Exception.** The notice required by this section need not be given to a seller, lessor or lender who is obligated to an assignee of ~~his~~ the seller's, lessor's or lender's rights.

**Sec. C-20. 9-A MRSA §3-206, sub-§5**, as enacted by PL 1981, c. 264, §1, is corrected to read:

**5. Priority for collection.** A creditor may not begin a legal action against a person entitled to notice under this section until ~~he~~ the creditor has exercised due diligence to collect the debt from the debtor. This subsection does not apply if the person is jointly and severally liable with respect to the transaction.

**Sec. C-21. 9-A MRSA §3-304, sub-§2**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**2.** With respect to a supervised loan, a lender uses multiple agreements if, with intent to obtain a higher finance charge than would otherwise be permitted, ~~he~~ the lender allows any person, or ~~husband and wife~~ married couple, to become obligated in any way under more than one loan agreement with the lender or with a person related to the lender.

**Sec. C-22. 9-A MRSA §3-305, sub-§1**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**1.** A creditor may not take an assignment of earnings of the consumer for payment or as security for payment of a debt arising out of a consumer credit transaction. An assignment of earnings in violation of this section is unenforceable by the assignee of the earnings and revocable by the consumer. This section does not prohibit an employee from

authorizing deductions from ~~his~~ the employee's earnings if the authorization is revocable at will.

**Sec. C-23. 9-A MRSA §3-305, sub-§2**, as enacted by PL 1973, c. 762, §1, is corrected to read:

2. A sale of unpaid earnings made in consideration of the payment of money to or for the account of the seller of the earnings is deemed to be a loan to ~~him~~ the seller secured by an assignment of earnings.

**Sec. C-24. 9-A MRSA §3-309**, as enacted by PL 1973, c. 762, §1, is corrected to read:

### **§3-309. Referral sales**

With respect to a consumer credit sale or consumer lease, the seller or lessor may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of ~~his~~ the buyer's or lessee's giving to the seller or lessor the names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or lease to another person, if the earning of the rebate, discount or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease. An agreement containing a violation of this section is unenforceable by the seller or lessor; and the buyer or lessee, at ~~his~~ the buyer's or lessee's option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any obligation to pay for them.

**Sec. C-25. 9-A MRSA §3-311**, as repealed and replaced by PL 1985, c. 311, §1, is corrected to read:

### **§3-311. Consumer's choice of attorney in residential mortgage transaction**

~~Every~~ A supervised lender ~~which that~~ accepts an application for a residential mortgage loan for one to 4 residential units and ~~which that~~ requires that an attorney search the title of the subject real estate shall permit the prospective mortgagor to select a qualified attorney of ~~his~~ the prospective mortgagor's own choice to search the title of the subject real estate and certify that title to the lender or land title insurance company, ~~provided~~ except that the lender may require the prospective mortgagor's attorney to provide it with evidence of adequate liability insurance or land title insurance or such other written policy requirements as the lender may ~~deem~~ consider necessary to protect its interests, ~~provided~~ except that if all such requirements are met by the attorney chosen by the mortgagor, ~~no~~ additional legal costs may not be assessed by the lender against the mortgagor for review of the title search or any other relevant title documents by the lender, its title company or attorney.

~~Every~~ A supervised lender subject to this section shall provide written notice to the prospective mortgagor that ~~he~~ the prospective mortgagor has the right to select a qualified attorney of ~~his~~ the prospective mortgagor's own choice for the performance of title work. The notice ~~shall~~ must inform the prospective mortgagor that if the attorney chosen by the mortgagor meets the lender's requirements, then ~~no~~ additional fees may not be charged to the mortgagor for title work. If the prospective mortgagor indicates on the written notice that ~~he~~ the prospective mortgagor does not wish to exercise ~~his~~ the prospective mortgagor's right to select an attorney, then the lender may recommend an attorney.



~~Nothing in this~~ This section may not be construed to require certification of title to a supervised lender if that lender does not so require, or to a land title insurance company if that company does not so require.

**Sec. C-26. 9-A MRSA §3-501**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**§3-501. Definition: "Home solicitation sale"**

"Home solicitation sale" means a consumer credit sale of goods, other than farm equipment, or services in which the seller or a person acting for ~~him~~ the seller engages in a personal solicitation of the sale at a residence of the buyer and the buyer's agreement or offer to purchase is there given to the seller or a person acting for ~~him~~ the seller. It includes a sale in which the seller allows the buyer to purchase goods or services pursuant to a lender credit card. It does not include a sale made pursuant to a preexisting open-end credit account, a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale; or a sale ~~which~~ that is subject to the provisions on the consumer's right to rescind certain transactions of the Federal Truth in Lending Act. A sale ~~which~~ that would be a home solicitation sale if credit were extended by the seller is a home solicitation sale although the goods or services are paid for in whole or in part by a consumer loan in which the lender is subject to defenses arising from the sale, section 3-404.

**Sec. C-27. 9-A MRSA §3-503, sub-§1**, as enacted by PL 1973, c. 762, §1, is corrected to read:

1. In a home solicitation sale, the seller must present to the buyer and obtain ~~his~~ the buyer's signature to a written agreement or offer to purchase ~~which~~ that designates as the date of the transaction the date on which the buyer actually signs, contains a statement of the buyer's rights ~~which~~ that complies with subsection 2, and contains the terms of the sale. A completely executed copy of the agreement ~~shall~~ must be furnished by the seller to the buyer immediately after the buyer signs the agreement.

**Sec. C-28. 9-A MRSA §3-503, sub-§3**, as enacted by PL 1973, c. 762, §1, is corrected to read:

3. A home solicitation sales contract ~~which~~ that contains the notice of cancellation forms and content required by the Federal Trade Commission's trade regulation rule providing for a time period within which a home solicitation sale may be cancelled ~~shall~~ be is deemed as complying with the requirements of this Part, so long as the Federal Trade Commission rule provides at least equal information to the consumer concerning ~~his~~ the consumer's right to cancel as is required by this Part.

**Sec. C-29. 9-A MRSA §3-503, sub-§4**, as enacted by PL 1973, c. 762, §1, is corrected to read:

4. Until the seller has complied with this section, the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of ~~his~~ the buyer's intention to cancel.

**Sec. C-30. 9-A MRSA §3-504, sub-§3**, as enacted by PL 1973, c. 762, §1, is corrected to read:

3. Until the seller has complied with the obligations imposed by this section, the buyer may retain possession of goods delivered to ~~him~~ the buyer by the seller and has a lien on the goods in ~~his~~ the buyer's possession or control for any recovery to which ~~he~~ the buyer is entitled.

**Sec. C-31. 9-A MRSA §3-505**, as enacted by PL 1973, c. 762, §1, is corrected to read:

**§3-505. Duty of buyer; no compensation for services prior to cancellation**

1. Except as provided by the provisions on retention of goods by the buyer, subsection 3 of section 3-504, within a reasonable time after a home solicitation sale has been cancelled or an offer to purchase revoked, the buyer upon demand must tender to the seller any goods delivered by the seller pursuant to the sale but ~~he~~ the buyer is not obligated to tender at any place other than ~~his~~ the buyer's residence. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them. For the purpose of this section, 40 days is presumed to be a reasonable time.

2. The buyer has a duty to take reasonable care of the goods in ~~his~~ the buyer's possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.

3. If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is not entitled to ~~no~~ compensation.

**Sec. C-32. 9-A MRSA §4-106, sub-§1, ¶A**, as enacted by PL 1973, c. 762, §1, is corrected to read:

A. Potential benefits to the consumer including the satisfaction of ~~his~~ the consumer's obligations;

**Sec. C-33. 9-A MRSA §4-204**, as enacted by PL 1985, c. 336, §7, is corrected to read:

**§4-204. Notice of right to cancel credit insurance in open-end transactions**

A creditor who provides consumer credit insurance in relation to open-end credit shall, at least annually, inform the consumer of the voluntary nature of the insurance and of ~~his~~ the consumer's right to cancel that insurance at will.

**Sec. C-34. 9-A MRSA §4-304**, as amended by PL 1975, c. 316, is corrected to read:

**§4-304. Cancellation by creditor**

A creditor ~~shall~~ may not request cancellation of a policy of property or liability insurance except after the consumer's default or in accordance with a written authorization by the consumer and until written notice is delivered to the consumer or mailed to ~~him~~ the consumer at ~~his~~ the consumer's address as stated by ~~him~~ the consumer. The notice ~~shall~~ must state that the policy may be cancelled on a date not less than 10 days after the notice is delivered, or, if the notice is mailed, not less than 13 days after it is mailed.

**Sec. C-35. 9-A MRSA §5-103, sub-§5**, as amended by PL 1975, c. 288, §3, is corrected to read:

5. If the creditor elects to bring an action against the consumer for a debt arising from a consumer loan or consumer credit sale of goods or services, when under this section ~~he~~ the creditor would not be entitled to a deficiency judgment if ~~he~~ the creditor repossessed the collateral and obtains judgment:

A. ~~He~~ The creditor may not repossess the collateral; and

B. The collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

**Sec. C-36. 9-A MRSA §5-109, sub-§4**, as enacted by PL 1979, c. 486, is corrected to read:

4. The consumer fails to make a payment as required by agreement if ~~he~~ the consumer fails to pay when due an amount equal to or greater than the amount of the average installment under a schedule of payments, other than any down payment or balloon payment permitted under section 3-308, ~~which that~~ conforms both as to amounts and intervals to the average of all installments and intervals under the agreement. The unpaid amount due may consist of any unpaid installment or accumulation of partially unpaid installments, delinquency or deferral charges, or any combination thereof.

**Sec. C-37. 9-A MRSA §5-110, sub-§3, ¶B**, as repealed and replaced by PL 1975, c. 429, §2, is corrected to read:

B. In lieu of the statement in the form of notice specified in subsection 2 that the creditor may exercise ~~his~~ the creditor's rights under the law, the statement that each policy or contract identified in the notice may be cancelled; and

**Sec. C-38. 9-A MRSA §5-111, sub-§1**, as amended by PL 1985, c. 763, Pt. A, §43, is corrected to read:

1. With respect to a consumer credit transaction, except as provided in subsection 2, after a default consisting only of the consumer's failure to make a required payment, a creditor, because of that default, may neither accelerate maturity of the unpaid balance of the obligation, nor take possession of or otherwise enforce a security interest in goods that are collateral until 14 days after a notice of the consumer's right to cure, as provided in section 5-110, is given, nor with respect to an insurance premium loan, give notice of cancellation as provided in subsection 4 until 10 days after a notice of the consumer's right to cure, as provided in section 5-110, is given. For purposes of this section, goods that are collateral ~~shall~~ include any right of set-off that the creditor may have. Until expiration of the minimum applicable period after the notice is given, the consumer may cure all defaults consisting of a failure to make the required payment by tendering the amount of all unpaid sums due at the time of the tender, without acceleration, plus any unpaid delinquency or deferral charges. Cure restores the consumer to ~~his~~ the consumer's rights under the agreement as though the defaults had not occurred.

**Sec. C-39. 9-A MRSA §5-111, sub-§3**, as amended by PL 1975, c. 180, is corrected to read:

3. This section and the provisions on waiver, agreements to forego rights and settlement of claims, as provided in section 1-107, do not prohibit a consumer from voluntarily surrendering possession of goods ~~which that~~ are collateral and the creditor from

thereafter accelerating maturity of the obligation and enforcing the obligation and ~~his~~ the creditor's security interest in the goods at any time after default.

**Sec. C-40. 9-A MRSA §5-111, sub-§4**, as amended by PL 1985, c. 763, Pt. A, §45, is corrected to read:

4. If a default on an insurance premium loan is not cured, the lender may give notice of cancellation of each insurance policy or contract to be cancelled. If given, the notice of cancellation ~~shall~~ must be in writing and given to the insurer who issued the policy or contract and to the insured. The insurer, within 2 business days after receipt of the notice of cancellation together with a copy of the insurance premium loan agreement if not previously given to ~~him~~ the insurer, shall give any notice of cancellation required by the policy, contract or law and, within 10 business days after the effective date of the cancellation, pay to the lender any premium unearned on the policy or contract as of that effective date. Within 10 business days after receipt of the unearned premium, the lender shall pay to the consumer indebted upon the insurance premium loan agreement any excess of the unearned premium received over the amount owing by the consumer upon the insurance premium loan.

**Sec. C-41. 9-A MRSA §5-115**, as enacted by PL 1973, c. 762, §1, is corrected to read:

#### **§5-115. Misrepresentation**

A creditor or a person acting for ~~him~~ a creditor may not induce a consumer to enter into a consumer credit transaction by misrepresentation of a material fact with respect to the terms and conditions of the extension of credit. A consumer so induced may rescind the sale, lease or loan or recover actual damages, or both.

**Sec. C-42. 9-A MRSA §5-116, sub-§1, ¶E**, as enacted by PL 1973, c. 762, §1, is corrected to read:

E. Disclose or threaten to disclose to a person other than the debtor or ~~his~~ the debtor's spouse information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information, but this subsection does not prohibit the disclosure to another person of information permitted to be disclosed to ~~him~~ that person by statute;

**Sec. C-43. 9-A MRSA §5-201, sub-§3**, as enacted by PL 1973, c. 762, §1, is corrected to read:

3. A debtor is not obligated to pay a charge in excess of that allowed by this Act, and if ~~he~~ a debtor has paid an excess charge ~~he~~ the debtor has a right to a refund. A refund may be made by reducing the debtor's obligation by the amount of the excess charge. If the debtor has paid an amount in excess of the lawful obligation under the agreement, the debtor may recover the excess amount from the person who made the excess charge or from an assignee of that person's rights who undertakes direct collection of payments from or enforcement of rights against debtors arising from the debt.

**Sec. C-44. 9-A MRSA §6-104, sub-§4**, as enacted by PL 1985, c. 763, Pt. A, §49, is corrected to read:

4. In addition to other rule-making requirements imposed by law, the administrator shall:

A. Adopt as a rule a description of the organization of ~~his~~ the administrator's office, stating the general course and method of the operations of ~~his~~ the administrator's office and the methods whereby the public may obtain information or make submissions or requests;

B. Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the administrator or ~~his~~ the administrator's office;

C. Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted or used by the administrator in the discharge of ~~his~~ the administrator's functions; and

D. Make available for public inspection all final orders, decisions and opinions.

**Sec. C-45. 9-A MRSA §6-106, sub-§1**, as repealed and replaced by PL 1987, c. 129, §67, is corrected to read:

1. The administrator may, at any time, but not more frequently than once every 3 months, conduct an examination or make an investigation of any person ~~he~~ the administrator believes has engaged in conduct governed by this Act. For these purposes, the administrator ~~shall~~ must have free and reasonable access to the offices, places of business and records of the person and may make and procure copies of those records, books, documents or other tangible things without employing the subpoena powers provided by subsection 2.

**Sec. C-46. 9-A MRSA §6-106, sub-§2**, as repealed and replaced by PL 1987, c. 129, §67, is corrected to read:

2. For the purposes of this section, the administrator may administer oaths or affirmations and, upon ~~his~~ the administrator's own motion or upon request of any party, may subpoena witnesses, compel their attendance, adduce evidence and require the production of any matter ~~which~~ that is relevant to an examination or investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

**Sec. C-47. 9-A MRSA §6-106, sub-§3**, as repealed and replaced by PL 1987, c. 129, §67, is corrected to read:

3. If the person's records are located outside this State, that person, at the administrator's option, either shall make the records available to the administrator at a convenient location within the State or allow the administrator or ~~his~~ the administrator's representatives to examine them at the place where they are maintained. The administrator may designate representatives, including comparable officials of the state in which the records are located, to inspect them on the administrator's behalf.

**Sec. C-48. 9-A MRSA §6-106, sub-§4**, as enacted by PL 1987, c. 129, §67, is corrected to read:

4. If the administrator finds a violation of this Act, ~~he~~ the administrator may notify any party to the transaction involved.

**Sec. C-49. 9-A MRSA §6-106, sub-§5**, as enacted by PL 1987, c. 129, §67, is corrected to read:

5. If ~~any~~ an individual without lawful excuse fails to obey a subpoena or to give testimony when directed to do so by the administrator or obstructs the proceedings by any means, whether or not in the presence of the administrator, that individual is guilty of contempt. The administrator, through the Attorney General, may file a complaint in the Superior Court setting forth the facts constituting the contempt and requesting an order returnable in not less than 2 days nor more than 5 days, directing the alleged contemner to show cause before the court why ~~he~~ the alleged contemner should not be punished for contempt. If the court determines that the respondent has committed any alleged contempt, the court shall punish the offender for contempt.

**Sec. C-50. 9-A MRSA §6-110**, as amended by PL 1983, c. 212, §11, is corrected to read:

**§6-110. Injunctions against violations of ~~aet~~ Act**

The administrator, through the Attorney General, may bring a civil action to restrain any person from violating this Act.

In such an action, the court may make such orders or judgments as may be necessary to prevent the use or employment by a person of any practices prohibited by this Act, to reform contracts to conform to this Act or to rescind contracts in which a violation has tended to induce the debtor to contract with the creditor, even though the debtors are not parties to the action. In such an action, the court may, in its discretion, award the administrator ~~his~~ the administrator's reasonable costs of investigation and reasonable ~~attorneys'~~ attorney's fees incurred in bringing the action. An action under this section and an action under section 6-113 may be brought jointly using a single complaint.

**Sec. C-51. 9-A MRSA §6-111, sub-§1**, as enacted by PL 1973, c. 762, §1, is corrected to read:

1. The administrator, through the Attorney General, may bring a civil action to restrain a creditor or a person acting ~~in his~~ on a creditor's behalf from engaging in a course of:

- A. Making or enforcing unconscionable terms or provisions of consumer credit transactions;
- B. Fraudulent or unconscionable conduct in inducing consumers to enter into consumer credit transactions; or
- C. Fraudulent or unconscionable conduct in the collection of debts arising from consumer credit transactions.

**Sec. C-52. 9-A MRSA §6-111, sub-§3, ¶E**, as enacted by PL 1973, c. 762, §1, is corrected to read:

E. The fact that the respondent has knowingly taken advantage of the inability of the consumer reasonably to protect ~~his~~ the consumer's interests by reason of physical or mental infirmities, ignorance, illiteracy or inability to understand the language of the agreement, or similar factors.

**Sec. C-53. 9-A MRSA §6-113, sub-§2**, as enacted by PL 1973, c. 762, §1, is corrected to read:

2. The administrator, through the Attorney General, may bring a civil action against a creditor or a person acting ~~in his~~ on a creditor's behalf to recover a civil penalty for willfully violating this Act or violating an assurance of discontinuance, and if the court finds that the defendant has engaged in repeated violations, a willful violation of this Act or a violation of an assurance of discontinuance, it may assess a civil penalty of not more than \$5,000.

If the creditor establishes by a preponderance of evidence that repeated violations were the result of a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such violation or error, ~~no~~ liability is not imposed under this subsection.

~~No~~ A civil penalty pursuant to this subsection may not be imposed for violations of this Act occurring more than 2 years before the action is brought.

**Sec. C-54. 9-A MRSA §6-203, sub-§1**, as amended by PL 1981, c. 460, is corrected to read:

1. A person required to file notification shall at the time ~~he~~ the person files such notification pay to the administrator an annual fee of \$20 for that year and an annual fee of \$10 for each branch thereof.

**Sec. C-55. 9-A MRSA §9-302, sub-§1**, as enacted by PL 1987, c. 396, §12 and amended by PL 2001, c. 44, §11 and affected by §14, is corrected to read:

1. In addition to other ~~rule-making~~ rule-making authority that the administrator may have, ~~he~~ the administrator may adopt reasonable rules in accordance with this section governing agreements ~~which that~~ that are alternative mortgage transactions as defined in the Alternative Mortgage Transaction Parity Act of 1982, the United States Code, Title 12, Section 3802, subsection 1. In adopting any rule, the administrator shall take into consideration the terms of any similar rules adopted by the Superintendent of Financial Institutions for supervised financial organizations chartered under the laws of this State.

**Sec. C-56. 9-A MRSA §9-303, sub-§1**, as enacted by PL 1987, c. 396, §12, is corrected to read:

1. ~~Every~~ A creditor, ~~which that~~ which that accepts an application for consumer credit transaction involving one to 4 residential units and ~~which that~~ which that requires that an attorney search the title of the subject real estate, shall permit the prospective mortgagor to select a qualified attorney of ~~his~~ the prospective mortgagor's own choice to search the title of the subject real estate and certify that title to the creditor or land title insurance company, ~~provided~~ except that the creditor may require the prospective mortgagor's attorney to provide it with evidence of adequate liability insurance or land title insurance or such other written policy requirements as the creditor may ~~deem~~ consider necessary to protect its interests, ~~provided~~ except that if all such requirements are met by the attorney chosen by the mortgagor, ~~no~~ additional legal costs may not be assessed by the creditor against the mortgagor for review of the title search or any other relevant title documents by the creditor, its title company or attorney.

**Sec. C-57. 9-A MRSA §9-303, sub-§2**, as enacted by PL 1987, c. 396, §12, is corrected to read:

2. Every A creditor subject to this section shall provide written notice to the prospective mortgagor that ~~he~~ the prospective mortgagor has the right to select a qualified attorney of ~~his~~ the prospective mortgagor's own choice for the performance of title work. The notice ~~shall~~ must inform the prospective mortgagor that if the attorney chosen by the mortgagor meets the creditor's requirements, then ~~no~~ additional fees may not be charged to the mortgagor for title work. If the prospective mortgagor indicates on the written notice that ~~he~~ the prospective mortgagor does not wish to exercise ~~his~~ the prospective mortgagor's right to select an attorney, then the creditor may recommend an attorney.

**Sec. C-58. 9-A MRSA §9-306**, as enacted by PL 1987, c. 396, §12, is corrected to read:

**§9-306. Notice of assignment**

A consumer is not obligated to make payments on a consumer credit transaction to any creditor, other than the original creditor, until ~~he~~ the consumer receives notification of assignment of rights to payment and that payment is to be made to the assignee. A notification ~~which~~ that does not clearly and conspicuously identify the rights assigned is ineffective. If requested by the consumer, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless ~~he~~ the assignee does so the consumer may pay the original creditor.

**Sec. C-59. 9-A MRSA §9-401**, as enacted by PL 1987, c. 396, §12, is corrected to read:

**§9-401. Misrepresentation**

A creditor or a person acting for ~~him~~ a creditor may not induce a consumer to enter into a consumer credit transaction by misrepresentation of a material fact with respect to the terms and conditions of the extension of credit. A consumer so induced may rescind the sale, lease or loan or recover actual damages, or both.

**Sec. C-60. 9-A MRSA §9-403, sub-§1, ¶E**, as enacted by PL 1987, c. 396, §12, is corrected to read:

E. Disclose or threaten to disclose to a person other than the debtor or ~~his~~ the debtor's spouse, information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information, but this subsection does not prohibit the disclosure to another person of information permitted to be disclosed to ~~him~~ that person by law;

**Sec. C-61. 9-A MRSA §9-405, sub-§2**, as enacted by PL 1987, c. 396, §12, is corrected to read:

2. A debtor is not obligated to pay a charge in excess of that allowed by this article and if ~~he~~ a debtor has paid an excess charge ~~he~~ the debtor has a right to a refund. A refund may be made by reducing the debtor's obligation by the amount of the excess charge. If the debtor has paid an amount in excess of the lawful obligation under the agreement, the debtor may recover the excess amount from the person who made the excess charge or



from an assignee of that person's rights who undertakes direct collection of payments from or enforcement of rights against debtors arising from the debt.

## EXPLANATION

This Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 9-A pursuant to Public Law 2019, chapter 475, section 52, and, as authorized by Title 1, section 93, this Part also incorporates certain administrative changes and corrections to those statutory units.

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## PART D

**Sec. D-1. 9-B MRSA §131, sub-§11**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**11. Credit card.** "Credit card" means a credit device by which a cardholder obtains loans or otherwise obtains credit from the card issuer or other persons authorized to extend such credit by the card issuer or ~~his~~ the card issuer's agent.

**Sec. D-2. 9-B MRSA §131, sub-§44**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**44. Time certificate of deposit.** "Time certificate of deposit" means a deposit evidenced by a negotiable or nonnegotiable instrument ~~which~~ that provides on its face that the amount of ~~such~~ the deposit is payable to bearer or to any specified person or to ~~his~~ the person's order:

- A. On a certain date, specified in the instrument, not less than 30 days after the date of the deposit; or
- B. At the expiration of a certain specified time not less than 30 days after the date of the instrument; or
- C. Upon notice in writing ~~which~~ that is actually required to be given not less than 30 days before the date of repayment; and
- D. In all cases only upon presentation and surrender of the instrument.

**Sec. D-3. 9-B MRSA §151**, as enacted by PL 1975, c. 500, §1, is corrected to read:

### **§151. Declaration of emergency by Governor**

Whenever it ~~shall appear~~ appears to the Governor that the welfare and security of financial institutions and credit unions under the supervision of the superintendent, or their depositors, shareholders, staffs or customers, require, or that the welfare of the State, any section ~~thereof~~ of the State, the inhabitants ~~thereof~~ of the State, financial institutions, credit unions, their depositors, shareholders or staffs have been or may be adversely affected by actual or threatened national emergency, forces of the natural elements, fires, explosions, strikes, epidemics, civil strife or commotion, or any other circumstances hazardous or dangerous to life, limb or property, the Governor may proclaim that a banking emergency exists. The Governor may declare such banking holidays as in ~~his~~ the Governor's judgment such emergency conditions may require and that any financial institution or institutions and credit union or credit unions ~~shall be~~ are subject to special regulation as provided until the

Governor, by a like proclamation, declares the period of ~~such~~ the emergency to have terminated if ~~he~~ the Governor has not defined ~~such~~ the period in the original proclamation.

**Sec. D-4. 9-B MRSA §152, sub-§1**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**1. Restrict banking transactions.** During the period of any banking emergency declared, the superintendent, in addition to all other powers conferred upon ~~him~~ the superintendent, ~~shall have~~ has authority to order one or more financial institutions or credit unions to restrict all or any part of their business and to limit or postpone for any length of time the payment of any amount or proportion of deposits or shares in any of the departments ~~thereof~~ of the financial institutions or credit unions as ~~he may deem~~ the superintendent considers necessary or expedient and may regulate further payments ~~therefrom~~ from those financial institutions or credit unions as to time and amount as the interest of the public or of such financial institutions or credit unions or depositors or shareholders thereof may require, and any order or orders made by ~~him~~ the superintendent may be amended, changed, extended or revoked, in whole or in part, whenever in ~~his~~ the superintendent's judgment circumstances warrant or require. After the termination of any such banking emergency, any such order may be continued in effect as to any particular financial institution or credit union if in the judgment of the superintendent circumstances warrant or require and the Governor approves.

**Sec. D-5. 9-B MRSA §152, sub-§3**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**3. Establish fair value of assets.** In determining the action to be taken under this section, the superintendent may place such fair value on the assets of any financial institution or credit union as in ~~his~~ the superintendent's discretion seems proper under the conditions prevailing and circumstances relating thereto.

**Sec. D-6. 9-B MRSA §213, sub-§1, ¶A**, as enacted by PL 1975, c. 500, §1, is corrected to read:

A. ~~Neither the~~ The superintendent ~~nor any or an~~ employee of the bureau ~~shall may not~~, during ~~his~~ the superintendent's term of office or while employed by the bureau, be an officer, director, corporator, employee, attorney or stockholder in any financial institution or financial institution holding company subject to supervision or regulation by the bureau.

**Sec. D-7. 9-B MRSA §213, sub-§2, ¶A**, as amended by PL 2017, c. 288, Pt. A, §13, is corrected to read:

A. If the superintendent, a deputy superintendent, an examiner or other professional personnel of the bureau or such person's spouse or such person's ~~son or daughter~~ child residing at such person's home obtains a loan from any financial institution subject to supervision or regulation by the bureau, the fact of ~~such~~ the loan, together with the terms and conditions ~~thereof~~ of the loan, must be disclosed immediately to the superintendent in writing by the person obtaining the loan and by the institution making ~~such~~ the loan. If the superintendent is the borrower, ~~such~~ the written disclosure must be made to the commissioner.

**Sec. D-8. 9-B MRSA §226, sub-§2**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**2. Disclosure to Governor; Attorney General.** The superintendent may disclose such information to the Governor or to the Attorney General of this State at such times and under such circumstances as the superintendent ~~deems~~ determines necessary and appropriate to the proper discharge of ~~his~~ the superintendent's duties and responsibilities under this Title; and the superintendent shall disclose such information upon written request of the Governor or the Attorney General.

**Sec. D-9. 9-B MRSA §232, sub-§4,** as enacted by PL 1975, c. 500, §1, is corrected to read:

**4. Stay of suspension or prohibition.** ~~Any~~ An officer or director adversely affected by a suspension or prohibition contained in a written notice pursuant to subsection 3 may apply to the Superior Court in the county where the financial institution of which ~~he~~ the individual is an officer or director has its main office or in the Superior Court of Kennebec County for a stay of ~~such~~ the suspension or prohibition pending completion of administrative proceedings required under this section, and ~~such that court shall have~~ has jurisdiction to stay ~~such~~ the suspension or prohibition.

**Sec. D-10. 9-B MRSA §232, sub-§5, ¶B,** as enacted by PL 1975, c. 500, §1, is corrected to read:

B. Unless the officer or director affected ~~shall appear~~ appears at ~~such~~ the hearing under paragraph A, ~~he shall be~~ the officer or director is deemed to have consented to the issuance of an order for ~~such~~ the removal or prohibition.

**Sec. D-11. 9-B MRSA §241, sub-§1, ¶D,** as enacted by PL 1977, c. 302 and amended by PL 2001, c. 44, §11 and affected by §14, is corrected to read:

D. Whenever the superintendent has reason to believe that ~~any~~ a financial institution authorized to do business in this State or ~~any~~ a credit union authorized to do business in this State is using or is about to use any method, act or practice in violation of section 231 and that proceedings would be in the public interest, ~~he~~ the superintendent may bring an action in the name of the State against ~~such~~ the entity to restrain by temporary or permanent injunction the use of ~~such~~ the method, act or practice and the court may make such other orders or judgments as may be necessary to restore to any person who has suffered any ascertainable loss by reason of the use or employment of ~~such~~ the unlawful method, act or practice, any moneys or property, real or personal, ~~which that~~ which may have been acquired by means of ~~such~~ the method, act or practice. At least 10 days prior to commencement of any action under this section, the superintendent shall notify the entity of ~~his~~ the superintendent's intended action, and give the entity the opportunity to confer with the superintendent in person or by counsel or other representative as to the proposed action. Notice ~~shall~~ must be given the entity by mail, postage prepaid, sent to ~~their~~ the entity's usual place of business. The superintendent may proceed without notice as required by this section upon a showing of facts by affidavit of immediate irreparable harm to the consumers of the State. The action may be brought in the Superior Court of the county in which ~~such~~ the entity is located or has its principal place of business or may be brought in the Superior Court of Kennebec County. The courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of this section. ~~Any~~ A district attorney or law enforcement officer receiving notice of ~~any~~ an alleged violation of this section shall immediately forward written notice of ~~same~~ the alleged violation with any other

information that ~~he~~ the district attorney or law enforcement officer may have to the office of the superintendent. ~~Any A~~ person or entity, ~~who that~~ violates the terms of an injunction issued under this section, shall forfeit and pay to the State to be applied to the General Fund a civil penalty of not more than \$10,000 for each violation. For the purposes of this section, the court issuing ~~such the~~ injunction shall retain retains jurisdiction, and the cause ~~shall~~ must be continued, and in such cases the superintendent, acting in the name of the State, may petition for recovery of ~~such the~~ civil penalty. In ~~any an~~ action under this section where in which a permanent injunction is issued, the court may order the person or entity against whom the permanent injunction has been issued to pay to the State the costs of the investigation of that person or entity by the superintendent and the costs of suit, which fund ~~shall~~ must be applied in the carrying out of the duties of the ~~Bureau of Financial Institutions~~ bureau.

**Sec. D-12. 9-B MRSA §242, sub-§2, ¶B,** as enacted by PL 1975, c. 500, §1, is corrected to read:

B. If an entity has already issued or published ~~such~~ an advertisement or representation under paragraph A, the superintendent may order the entity to take such affirmative corrective action as ~~he deems~~ the superintendent determines necessary and appropriate under the circumstances for the purpose of informing and protecting the public and other interested parties.

**Sec. D-13. 9-B MRSA §243, sub-§2,** as enacted by PL 1975, c. 500, §1, is corrected to read:

**2. Exceptions.** The superintendent may, pursuant to ~~regulations~~ rules issued in accordance with section 251, permit such exceptions to the prohibitions in subsection 1 as ~~he the superintendent~~ considers will not be contrary to the public interest and the purposes of this section.

**Sec. D-14. 9-B MRSA §252, sub-§2, ¶B,** as repealed and replaced by PL 1977, c. 694, §159, is corrected to read:

B. As soon as the superintendent determines that the application is complete, ~~he the~~ superintendent shall instruct the applicant to provide notice of the application in the manner and form prescribed in Title 5, section 9052.

**Sec. D-15. 9-B MRSA §253, sub-§1, ¶A,** as enacted by PL 1975, c. 500, §1, is corrected to read:

A. The superintendent ~~shall~~ may not approve an application unless ~~he the~~ superintendent determines that the proposed transaction contributes to the financial strength and success of the financial institution or institutions concerned, and promotes the convenience and advantage of the public.

**Sec. D-16. 9-B MRSA §255, sub-§2,** as repealed and replaced by PL 1977, c. 694, §164, is corrected to read:

**2. Request for rule-making rulemaking.** ~~Any A~~ person may petition the superintendent to hold a rule-making proceeding for the purpose of ~~promulgating~~ adopting such rules, regulations or amendments as may be proposed in ~~his~~ the person's petition and may petition for a hearing on the proposed rule, regulation or amendment.

**Sec. D-17. 9-B MRSA §255, sub-§4**, as repealed and replaced by PL 1977, c. 694, §164, is corrected to read:

**4. Grant or denial of request.** Unless the superintendent ~~shall deem~~ determines a petition filed pursuant to subsection 1 frivolous or not bona fide, ~~he~~ the superintendent shall designate the petitioner or petitioners as an interested party and hold a hearing for the purpose set forth in the petition. If the request is a petition for ~~rule-making~~ rulemaking, within 60 days after receipt of the petition, the superintendent shall either notify the petitioner in writing of its denial and the reasons ~~therefor~~, for the denial or initiate appropriate rule-making proceedings.

**Sec. D-18. 9-B MRSA §322, sub-§4, ¶B**, as enacted by PL 1975, c. 500, §1, is corrected to read:

B. In determining whether public convenience and advantage will be promoted by granting permission to organize the type of institution requested, the superintendent shall make ~~his~~ a decision in accordance with section 253 pursuant to the procedures set forth in section 252.

**Sec. D-19. 9-B MRSA §323, sub-§5, ¶A**, as enacted by PL 1975, c. 500, §1, is corrected to read:

A. Upon receipt of the statement required in subsection 4, the superintendent shall cause an examination to be made to determine if the minimum capital deposits have been credited to the account of the institution as ~~he~~ the superintendent may determine and that all requirements of this section and other provisions of law have been complied with.

**Sec. D-20. 9-B MRSA §323, sub-§5, ¶B**, as enacted by PL 1975, c. 500, §1, is corrected to read:

B. Upon completion of ~~his~~ the superintendent's examination, and if the requirements of paragraph A are met, the superintendent shall issue a certificate authorizing the financial institution to begin transacting the business of a financial institution of the type as set forth in its articles of incorporation. ~~Such~~ The certificate ~~shall be~~ is conclusive of the facts stated ~~therein in the certificate~~, and it ~~shall be~~ is unlawful for any such mutual financial institution to begin transacting business until ~~such a~~ the certificate has been granted.

**Sec. D-21. 9-B MRSA §324, sub-§2, ¶C**, as enacted by PL 1975, c. 500, §1, is corrected to read:

C. Upon release and return, the contributor's proportionate share of the amount to be returned ~~shall~~ must be credited in ~~his~~ the contributor's name to a share account or deposit in ~~such~~ the institution, and the contributor ~~shall~~ is then ~~be~~ entitled to all rights and privileges, and ~~shall be~~ is subject to all duties and liabilities, connected with ~~such~~ that share account or deposit;

**Sec. D-22. 9-B MRSA §325, sub-§4**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**4. Articles of incorporation.** The incorporators or members ~~shall~~ have the right to amend the institution's articles of incorporation in any manner not inconsistent with this

Title; ~~provided that such,~~ as long as the amendments are submitted to the superintendent for ~~his~~ the superintendent's written approval prior to their taking effect.

**Sec. D-23. 9-B MRSA §327, sub-§3, ¶A,** as enacted by PL 1975, c. 500, §1, is corrected to read:

A. The ~~chairman~~ chair of the board shall preside at all meetings of the incorporators or members and the board of directors, unless otherwise provided in the bylaws.

**Sec. D-24. 9-B MRSA §327, sub-§3, ¶B,** as enacted by PL 1975, c. 500, §1, is corrected to read:

B. The president shall preside; in the absence of a ~~chairman~~ chair of the board of directors; at all meetings of the incorporators or members and the board of directors, unless otherwise provided in the bylaws.

**Sec. D-25. 9-B MRSA §357, sub-§3,** as enacted by PL 1975, c. 500, §1, is corrected to read:

**3. Creditor's rights.** The resulting institution in a merger, consolidation, conversion or acquisition ~~shall be~~ is liable for all obligations of the participating or converting institution ~~which that~~ existed prior to such action, and the action taken ~~shall~~ does not prejudice the right of a creditor of the participating or converting institution to have ~~his~~ the creditor's debts paid out of the assets thereof, ~~nor shall and~~ such creditor may not be deprived of, or prejudiced in, any action against the officers, directors, incorporators or members of a participating or converting institution for any neglect or misconduct.

**Sec. D-26. 9-B MRSA §358, sub-§4,** as enacted by PL 1975, c. 500, §1, is corrected to read:

**4. Divesture.** The superintendent may, as a condition to such merger, consolidation, conversion or acquisition, require a nonconforming activity to be divested in accordance with such additional requirements as ~~he may deem~~ the superintendent considers appropriate under the circumstances.

**Sec. D-27. 9-B MRSA §422-A, sub-§5,** as enacted by PL 1981, c. 155, §2, is corrected to read:

**5. Reports.** The superintendent may require ~~any~~ a financial institution or credit union to furnish such reports as ~~he deems~~ the superintendent considers appropriate to properly supervise compliance with the requirements of this section.

**Sec. D-28. 9-B MRSA §427, sub-§2, ¶B,** as amended by PL 1979, c. 540, §8, is corrected to read:

B. Whenever a deposit is made by a person designated on the records of a financial institution as a fiduciary, it ~~shall~~ must be conclusively presumed, in all dealings between the institution and the fiduciary or any other persons with respect to such deposit, that ~~such~~ the fiduciary has power to invest money in the institution, and to withdraw the ~~same~~ money or any part ~~thereof~~ of that money, and to transfer ~~his~~ the fiduciary's deposit to any other person. The receipt or acquittance of ~~such~~ the fiduciary ~~shall~~ fully exonerate exonerates and ~~discharge~~ discharges the institution from all liability to any person having any interest in such deposit, and the institution ~~shall~~ is not ~~be~~ under any duty to see to the proper application of the trust property.

**Sec. D-29. 9-B MRSA §427, sub-§3, ¶A**, as enacted by PL 1975, c. 500, §1, is corrected to read:

A. If a check drawn or endorsed by a fiduciary is received by a drawee financial institution, including a check for payment in cash or for the personal credit of ~~such the~~ the fiduciary, ~~such the~~ the institution may assume, without inquiry, that the fiduciary has acted within the scope of ~~his~~ the fiduciary's authority.

**Sec. D-30. 9-B MRSA §427, sub-§6**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**6. Power of attorney over deposits or accounts.** ~~Any A~~ A financial institution may continue to recognize the authority of an attorney authorized in writing to manage or to make withdrawals either in whole or in part from the account of a depositor until it receives written notice of the revocation of ~~his~~ the attorney's authority. For the purposes of this subsection, written notice of the death or adjudication of incompetency of ~~such the~~ the depositor ~~shall constitute~~ constitutes written notice of revocation of the authority of ~~his the~~ the depositor's attorney. ~~No An~~ An institution ~~shall be~~ is not liable for damages by reason of any payment made pursuant to this subsection.

**Sec. D-31. 9-B MRSA §427, sub-§8, ¶A**, as enacted by PL 1979, c. 540, §12, is corrected to read:

A. Except as provided in paragraph B, if ~~any a~~ a depositor ~~shall die~~ dies leaving in a financial institution a deposit or account on which the balance due ~~him~~ the depositor ~~shall~~ does not exceed \$1,000, and ~~no a~~ a personal representative ~~shall be~~ is not appointed, the institution may pay the balance of ~~such the~~ the deposit or account to the surviving spouse, next of kin, funeral director or other preferred creditor or creditors who may appear to be entitled ~~thereto~~ to the deposit or account. For any payments so made, the institution ~~shall~~ may not be held liable to the decedent's personal representative thereafter appointed unless the payment ~~shall have~~ has been made within 6 months after the decedent's death and an action to recover the amount ~~shall have~~ has been commenced within one year after the date of payment.

**Sec. D-32. 9-B MRSA §427, sub-§9, ¶A**, as amended by PL 1979, c. 663, §41, is corrected by correcting subparagraph (1) to read:

(1) If the evidence of deposit or account was issued to a single depositor, then by ~~him~~ that depositor, by an officer in the event of a corporation; or by a guardian, conservator, trustee, executor or administrator; or

**Sec. D-33. 9-B MRSA §427, sub-§9, ¶A**, as amended by PL 1979, c. 663, §41, is corrected by correcting subparagraph (2) to read:

(2) If the evidence of deposit or account was issued to 2 or more depositors, then by all such depositors then surviving, or by the last survivor of such depositors; ~~provided except~~ that a guardian or conservator shall sign for any of the foregoing persons respecting whom ~~he~~ the guardian or conservator has been appointed.

**Sec. D-34. 9-B MRSA §436, sub-§1, ¶A**, as enacted by PL 1975, c. 500, §1, is corrected to read:

A. The mortgagor or ~~his~~ the mortgagor's successor in title is authorized to file for record, and the same ~~shall~~ must be recorded in the same recording office as the original

mortgage, a notice limiting the amount of optional future advances secured by such mortgage to not less than the amount actually advanced at the time of ~~such the~~ filing; ~~provided that,~~ as long as a copy of ~~such the~~ filing is filed with the mortgagee; and

**Sec. D-35. 9-B MRSA §445, sub-§3**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**3. Records.** The books and accounts of a service corporation involving ~~any a~~ financial institution ~~shall must~~ be kept in such manner and form as the superintendent may prescribe; and any agreement between a financial institution and such corporation ~~shall must~~ provide that ~~such the~~ books and accounts may be examined by the superintendent or ~~his the~~ superintendent's designee.

**Sec. D-36. 9-B MRSA §453, sub-§2**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**2. Duties of the auditor.** The accountant or auditor selected in subsection 1 shall analyze the books, accounts, notes, mortgages, securities and operating systems of the institution in such manner as in ~~his the~~ accountant's or auditor's judgment will result in an audit ~~which that,~~ together with the internal auditing and accounting procedures of the institution, comports with generally accepted accounting standards for the protection of depositors, members or stockholders and the efficient operation of the institution. The accountant or auditor shall make a written report of the condition of the institution to the president and ~~chairman~~ chair of the board, for the board, in such manner and to such extent as ~~said the~~ accountant or auditor may ~~deem~~ consider necessary or proper, and ~~said the~~ accountant or auditor shall supply such additional information obtained from ~~his the~~ audit as the board may direct.

**Sec. D-37. 9-B MRSA §453, sub-§3**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**3. Superintendent's comment on audit.** The superintendent shall, in the course of ~~his the~~ superintendent's regular official examination of the institution and at such other times as ~~he deems the superintendent determines~~ advisable, investigate the work of ~~such the~~ accountant or auditor to determine its adequacy for the purposes set forth in subsection 2. In determining the adequacy of such an audit, the superintendent shall take into account the internal auditing and accounting procedures established by ~~such the~~ institution. If the superintendent determines that the audit is inadequate, ~~he the~~ superintendent shall report forthwith ~~his the~~ superintendent's findings, with instructions, in writing to the directors, who shall, within 30 days ~~thereafter~~ after the findings and instructions are reported, comply ~~therewith with the~~ instructions.

**Sec. D-38. 9-B MRSA §813, sub-§4, ¶B**, as enacted by PL 1975, c. 500, §1, is corrected to read:

B. Upon completion of ~~his the~~ superintendent's examination, and if all requirements of paragraph A are met, including approval of the bylaws, the superintendent shall issue a certificate authorizing the credit union to receive payments on account of shares, make loans, and otherwise commence business. ~~Such The~~ certificate ~~shall be is~~ conclusive of the facts stated ~~therein in the~~ certificate; and it ~~shall be is~~ unlawful for any credit union to begin transacting business until such a certificate has been granted.



A copy of the certificate shall must be filed with the Secretary of State by the superintendent.

**Sec. D-39. 9-B MRSA §842, sub-§1, ¶F**, as enacted by PL 1975, c. 500, §1, is corrected to read:

F. If a director ceases to be a member of the credit union, ~~his~~ the director's office shall ~~thereupon become~~ becomes vacant.

**Sec. D-40. 9-B MRSA §842, sub-§3**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**3. Compensation.** ~~No~~ A member of the board of directors shall ~~may not~~ receive any compensation for ~~his~~ the member's services as a member of ~~said~~ the board, or as a member of any committees of the credit union.

**Sec. D-41. 9-B MRSA §862, sub-§2-A, ¶F**, as enacted by PL 1987, c. 405, §33, is corrected to read:

F. The superintendent may by rule, issued pursuant to section 251, raise or lower the limitations as to percentage of securities prescribed under this section or prescribe such additional limitations as in ~~his~~ the superintendent's judgment conditions warrant.

**Sec. D-42. 9-B MRSA §1012, sub-§1**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**1. Requirements.** Any A company that controls one or more Maine financial institutions shall register with the superintendent in accordance with procedures established by ~~him~~ the superintendent.

**Sec. D-43. 9-B MRSA §1022**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**§1022. Authority to incorporate**

Any 5 or more state banks with trust powers, trust companies and national banks with trust powers located in this State are authorized to cause a mutual trust investment company to be organized and incorporated, subject to the approval of the superintendent and subject to such regulations as ~~he~~ the superintendent may prescribe.

**Sec. D-44. 9-B MRSA §1026, sub-§3**, as enacted by PL 1975, c. 500, §1, is corrected to read:

**3. Power and authority.** In the enforcement of this chapter and the fulfillment of ~~his~~ the superintendent's responsibilities ~~hereunder~~ under this chapter, the superintendent shall ~~have~~ has the same power and authority over and with respect to mutual trust investment companies and their directors, officers and employees, including the power to compel the attendance of witnesses and the production of books, records, documents and testimony, the power to require the submission to ~~him~~ the superintendent of reports and information in such form and at such times as ~~he may prescribe~~, the superintendent prescribes and the power to direct the discontinuation of any practice ~~which he may consider that the superintendent considers~~ illegal, unauthorized or unsafe; and all other powers and authorities, whether or not specifically mentioned ~~herein~~ in this subsection, as are given the superintendent by the laws of this State with respect to financial institutions in the same

manner and with like effect as if mutual trust investment companies were expressly named ~~therein~~ in those laws.

## EXPLANATION

This Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 9-B pursuant to Public Law 2019, chapter 475, section 52, and, as authorized by Title 1, section 93, this Part also incorporates certain administrative changes and corrections to those statutory units.

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## PART E

**Sec. E-1. 13 MRSA §334** is corrected to read:

**§334. Information for process server**

~~Every~~ An agent or person having charge of corporate property shall on request furnish to any officer, having a writ or execution against the corporation for service, the names of the directors and clerk and a schedule of all property, including debts known by ~~him~~ the agent or person having charge of corporate property to belong to the corporation. ~~Any~~ An officer of a judgment debtor corporation may be cited to disclose the affairs of the corporation in the same manner as provided for the disclosure of other judgment debtors.

**Sec. E-2. 13 MRSA §335** is corrected to read:

**§335. Execution satisfied from debts due; proceedings**

An officer, having an execution against a manufacturing corporation and unable to find property liable to seizure, or the creditor may elect to satisfy it in whole or in part by a debt due to the corporation not exceeding the amount due to the creditor. The person having custody of the evidence of such debt shall deliver it to ~~such~~ the officer with a written transfer ~~thereof of the evidence~~ to ~~him~~ the officer for the use of the creditor, which ~~shall constitute~~ constitutes an assignment ~~thereof of the debt~~, and the creditor, in the name of the corporation, may sue for and collect it, subject to any equitable counterclaim by the debtor.

**Sec. E-3. 13 MRSA §932, first ¶**, as amended by PL 1981, c. 698, §82, is corrected to read:

~~Every~~ A corporation organized under sections 901 and 903 to 931 may take and hold, by purchase, gift, devise or bequest, tangible or intangible personal property or real estate, and may use and dispose thereof only for the purposes for which the corporation was organized. ~~Any~~ A corporation organized under this chapter for the purpose of establishing and maintaining a hospital, a free public library or a school or academy accredited by the State Board of Education and conducted on a nonprofit basis, ~~or~~ a laboratory exclusively engaged in research for the benefit of ~~mankind~~ humankind, ~~or~~ an educational television or radio station operated on a nonprofit basis, or a private vocational school conducted on a nonprofit basis may receive and hold real and personal estate to any amount, ~~which~~ that may from time to time be given, granted, bequeathed or devised to it and accepted by the corporation for the uses and purposes of the hospital, free public library, school or academy, laboratory, or educational television or radio station ~~provided always as long as~~ both the

principal and income thereof ~~shall be~~ are appropriated according to the terms of the donation, devise or bequest.

**Sec. E-4. 13 MRSA §981** is corrected to read:

**§981. Charitable corporations, suits by or against**

~~No~~ A corporation, organized for charitable or benevolent purposes, ~~shall~~ may not sue any of its members for dues or contributions of any kind, or be sued by any member for any benefit or sum due ~~him~~ to that member, but all such rights and benefits, dues and liabilities ~~shall~~ may be regulated and enforced only in accordance with its bylaws.

**Sec. E-5. 13 MRSA §984** is corrected to read:

**§984. Use of badges, emblems or names without authority**

~~No~~ A person ~~shall~~ may not wear or exhibit the badge, button, emblem, decoration, insignia or charm, or ~~shall~~ assume or use the name of any benevolent, humane, fraternal or charitable corporation incorporated under the laws of this State, or any other state, or of the United States, or holding its charter or warrant under some recognized supreme grand body having authority to issue the same, or ~~shall~~ assume or claim to be a member thereof, or of a benevolent, humane, fraternal or charitable corporation or organization, the name of which ~~shall~~ so nearly ~~resemble~~ resembles the name of any other corporation or organization existing prior to the organization of the corporation, organization or association of which ~~such~~ the person may claim to be a member, the name whereof may be calculated to deceive the people with respect to any such prior corporation or organization, unless ~~he~~ shall be the person is authorized under the laws, statutes, rules, regulations and bylaws of such former corporation or organization to wear such badge, button, emblem, decoration, insignia or charm, or to use and assume such name as a member thereof. ~~Nothing in this~~ This chapter ~~shall~~ may not be construed to forbid the use of such a badge as a measure of protection by the ~~wife, mother, sister or daughter~~ spouse, parent, sibling or child of any ~~man~~ person entitled to wear the same.

**Sec. E-6. 13 MRSA §1384**, as enacted by PL 1987, c. 579, is corrected to read:

**§1384. Service of notice**

The person, association, corporation or municipality having ownership or management of a cemetery shall choose that method of notice most reasonably anticipated to be effective. Personal service on the record owner in the same way service of process is made in accordance with Maine Rules of Civil Procedure ~~shall be~~ is the preferred method. If that is not reasonably possible, personal service in the same manner ~~shall~~ must be considered on the heirs or devisees. If that is not reasonably possible, the notice ~~shall~~ must be served by delivery by certified mail, return receipt requested, to the record owner at the owner's last known address. If the record owner is deceased or ~~his~~ the record owner's whereabouts are unknown, the notice ~~shall~~ must be served by delivery by certified mail, return receipt requested, to the heirs or devisees of the record owner, to their last known address. If the address of the record owner or heirs or devisees of the record owner cannot be ascertained, ~~then~~ notice of the forfeiture ~~shall~~ must be given by one publication in the official newspaper of the county in which the cemetery is located. In addition, the notice ~~shall~~ must be recorded in the registry of deeds in the county where the cemetery lot is located.

**Sec. E-7. 13 MRSA §1643** is corrected to read:

### §1643. Liability of members

Members ~~shall~~ are not be jointly or severally liable for any debts of the association, nor ~~shall~~ may a subscriber be so liable except to the extent of the unpaid amount on the shares or membership certificates subscribed by ~~him~~ the subscriber. ~~No~~ A subscriber ~~shall~~ may not be released from such liability by reason of ~~any~~ an assignment of ~~his~~ the subscriber's interest in the shares or membership certificate, but ~~shall remain~~ remains jointly and severally liable with the assignee until the shares or certificates are fully ~~paid-up~~ paid.

**Sec. E-8. 13 MRSA §1645, sub-§4** is corrected to read:

**4. Patronage.** The remainder ~~shall~~ must be allocated at the same uniform rate to all patrons of the association in proportion to their individual patronage:

A. In the case of a member patron, ~~his~~ the patron's proportionate amount of savings returns ~~shall~~ must be distributed to ~~him~~ the patron unless ~~he~~ the patron agrees that the association should credit the amount to ~~his~~ the patron's account toward the purchase of an additional share or shares or additional membership capital;

B. In the case of a subscriber patron, ~~his~~ the patron's proportionate amount of savings returns may, as the articles or bylaws provide, be distributed to ~~him~~ the patron or credited to ~~his~~ the patron's account until the amount of capital subscribed for has been fully paid;

C. In the case of a nonmember patron, ~~his~~ the patron's proportionate amount of savings returns ~~shall~~ must be set aside in a general fund for such patrons and ~~shall~~ must be allocated to individual nonmember patrons only upon request and presentation of evidence of the amount of their patronage. Any savings returns so allocated ~~shall~~ must be credited to ~~such~~ the patron toward payment of the minimum amount of share or membership capital necessary for membership; or may be paid to ~~such~~ the patron. When a sum equal to this amount has been accumulated and so credited at any time within a period of time specified in the bylaws, ~~such~~ a patron ~~shall~~ must be ~~deemed~~ considered and become a member of the association if ~~he~~ the patron so agrees or requests and complies with any provisions in the bylaws for admission to membership. The certificates of shares or membership to which ~~he~~ the patron is entitled ~~shall~~ must then be issued to ~~him~~ the patron; and

D. If within any periods of time specified in the articles or bylaws:

(1) ~~Any~~ A subscriber has not accumulated and paid in the amount of capital subscribed for; ~~or~~

(2) ~~Any~~ A nonmember patron has not accumulated in ~~his~~ the patron's individual account the sum necessary for membership; or

(3) ~~Any~~ A nonmember patron has accumulated the sum necessary for membership, but neither requests nor agrees to become a member or fails to comply with the provisions of the bylaws, if any, for admission to membership;

then the amounts so accumulated or paid in ~~shall~~ must go to the educational fund, and thereafter ~~no~~ the member or other patron ~~shall~~ does not have any rights in ~~said~~ the paid-in capital or accumulated savings returns as such. ~~Nothing in this~~ This section ~~shall~~ does not prevent an association operating under this subchapter, ~~which~~ that is engaged in rendering services, from disposing of the net savings from the rendering of such

services in such manner as to lower the fees charged for services or otherwise to further the common benefit of the members. ~~Nothing in this~~ This section shall does not prevent an association from adopting a system whereby the payment of savings returns, ~~which that~~ would otherwise be distributed, shall must be deferred for a fixed period of months or years; nor from adopting a system whereby the savings returns distributed ~~shall~~ must be partly in cash; and partly in shares, such shares to be retired at a fixed future date in the order of the serial number or date of issue.

**Sec. E-9. 13 MRSA §1692** is corrected to read:

**§1692. Transfer of shares and membership; withdrawal**

If a member desires to withdraw from the association or dispose of any or all of ~~his~~ the member's holdings, the directors ~~shall have the power to~~ may purchase such holdings by paying ~~him~~ the member the par value of any or all of the holdings offered. The directors shall then reissue or cancel the same. A vote of the majority of the members voting at a regular or special meeting may order the directors to exercise this power to purchase.

If the association fails, within 60 days of the original offer, to purchase all or any part of the holdings offered, the member may dispose of the unpurchased interest elsewhere, subject to the approval of the transferee by a majority vote of the directors. ~~Any~~ A would-be transferee not approved by the directors may appeal to the members at their first regular or special meeting thereafter, and the action of the meeting ~~shall be~~ is final. If ~~such~~ a transferee is not approved, the directors shall exercise their power to purchase, if and when such a purchase can be made without jeopardizing the solvency of the association.

**Sec. E-10. 13 MRSA §1825, sub-§1** is corrected to read:

**1. Procedure.** An association may amend its articles of incorporation by the affirmative vote of 2/3 of the members voting ~~thereon~~ on the proposed amendment at any regular meeting; or at a special meeting called for the purpose; or, if the association permits its members to vote on the basis of patronage, by the affirmative vote of a majority of the members representing 2/3 of the membership patronage voting ~~thereon~~ on the proposed amendment. A written or printed notice of the proposed amendment and of the time and place of holding such meetings ~~shall~~ must be delivered to each member, or mailed to ~~his~~ the member's last known address as shown by the books of the association, at least 30 days prior to any such meetings. ~~No~~ An amendment affecting the preferential rights of any outstanding stock ~~shall~~ may not be adopted until the written consent of the holders of 2/3 of the outstanding preference shares has been obtained.

**Sec. E-11. 13 MRSA §1872** is corrected to read:

**§1872. —~~removal~~ Removal of a director**

~~Any~~ A member may ask for the removal of a director by filing charges with the secretary or president of the association; together with a petition signed by 5% of the members requesting the removal of the director ~~in question~~. The removal ~~shall~~ must be voted upon at the next meeting of the members, and by 2/3 of the voting power voting ~~thereon~~ on the removal the association may remove the director. The director whose removal is requested ~~shall~~ must be served with a copy of the charges not less than 10 days prior to the meeting and ~~shall~~ must have an opportunity at the meeting to be heard in person and by counsel and to present evidence. The persons requesting the removal ~~shall~~ must have the same opportunity. In case the bylaws provide for election of directors by districts,

then the petition for removal of a director must be signed by 20% of the members residing in the district from which ~~he~~ the director was elected. The board must call a special meeting of the members residing in that district to consider the removal of the director, and by 2/3 of the voting power of the members of that district voting ~~thereon~~ on the removal the director ~~in-question~~ may be removed from office.

**Sec. E-12. 13 MRSA §1874** is corrected to read:

**§1874. —~~removal~~ Removal of an officer**

~~Any~~ A member may bring charges of misconduct or incompetency against an officer by filing them with the secretary or president of the association, together with a petition signed by 10% of the members requesting the removal of the officer ~~in-question~~. The directors shall vote upon the removal of the officer at the first meeting of the board held after the hearing on the charges, and the officer may be removed by a majority vote, notwithstanding any contract the officer may have with the association, which ~~shall terminate~~ terminates upon ~~his~~ the officer's removal, anything in the contract to the contrary notwithstanding. The officer against whom such charges are made ~~shall~~ must be served with a copy of the charges not less than 10 days prior to the meeting, and ~~shall~~ must have an opportunity at the meeting to be heard in person and by counsel, and to present evidence, and the persons making the charges ~~shall~~ must have the same opportunity.

**Sec. E-13. 13 MRSA §1911, sub-§3** is corrected to read:

**3. Vote; liability.** Under the terms and conditions prescribed in the bylaws, a member ~~shall lose his~~ loses the member's vote if ~~he~~ the member ceases to belong to the class eligible to membership under this section, but ~~he shall remain~~ the member remains subject to any liability incurred by ~~him~~ the member while a member of the association.

**Sec. E-14. 13 MRSA §1912** is corrected to read:

**§1912. Certificates; transfers; dividends; preferred stock**

**1. Certificate for membership or stock.** ~~No~~ A certificate for membership or stock ~~shall~~ may not be issued until fully paid for, but bylaws may provide that a member may vote and hold office prior to payment in full for ~~his~~ the member's membership or stock.

**2. Dividends.** Dividends in excess of 8% on the actual cash value of the consideration received by the association ~~shall~~ may not be paid on common or preferred stock or membership capital, but dividends may be cumulative.

**3. Net income distributed.** Net income in excess of dividends and additions to reserves ~~shall~~ must be distributed on the basis of patronage, and the books of the association ~~shall~~ must show the interest of patrons in the reserves. The bylaws may provide that any distribution to a nonmember, eligible for membership, may be credited to ~~such~~ the nonmember until the amount ~~thereof~~ of the distribution equals the value of a membership certificate or a share of the association's common stock. The distribution credited to the account of a nonmember may be transferred to the reserve fund at the option of the board if, after 6 years, the amount is less than the value of the membership certificate or a share of common stock.

**4. Value of member's interest after withdrawal or termination.** The bylaws may fix a time within which a member ~~shall~~ must receive from the association, after ~~he~~ the member has notified the association of ~~his~~ the member's withdrawal, or after the adoption

of a resolution by the board terminating ~~his~~ the member's membership, the value in money of ~~his~~ the member's membership interest in the association as appraised by the board of directors. If the board of directors approves the member's designation of a transferee of ~~his~~ the member's membership interest, the association ~~shall be under no obligation~~ is not obligated to pay him the member the value of ~~his~~ the member's interest.

**5. Preferred stock.** An association may issue preferred stock to members and nonmembers. Preferred stock may be redeemed or retired by the association on such terms and conditions as may be provided in the articles and printed on the stock certificate. Preferred stockholders ~~shall~~ are not be entitled to vote, but ~~no~~ a change in their priority or preference rights ~~shall~~ may not be effective until the written consent of the holders of 2/3 of the preferred stock has been obtained. Payment for preferred stock may be made in cash, services or property on the basis of the fair value of the stock, services and property as determined by the board.

**Sec. E-15. 13 MRSA §1951**, as amended by PL 1977, c. 522, §10, is corrected to read:

**§1951. Consolidation procedure**

~~Any 2~~ Two or more associations organized with or without capital stock and existing under this subchapter may consolidate into a single association, which may be either one or any one of ~~said~~ the associations, or a new association under this subchapter to be formed by means of ~~such~~ the consolidation. Such a consolidation may be effected by a vote of the directors, trustees or managing board, however designated, of each of ~~said~~ the associations at a legal meeting thereof ratifying a proposed agreement of consolidation and approved by the affirmative vote of 2/3 of the members of each of ~~said~~ the associations voting ~~thereon~~ on the proposed agreement of consolidation at any regular meeting or at a special meeting called for the purpose, ~~which~~. The agreement shall must then be submitted to the Secretary of State for ~~his~~ certification as conformable to the laws of this State, and when certified by ~~him~~ the Secretary of State, the agreement must then be recorded in the registry of deeds in the county where the consolidated association is located and in the county or counties where each of the constituent associations is located and a copy ~~thereof of the agreement~~ certified by the register of deeds ~~shall~~ must be filed in the office of the Secretary of State. When ~~said~~ the agreement is so certified, recorded and filed, the separate existence of all of the constituent associations, or all of ~~such~~ the constituent associations except the one into which ~~such~~ the constituent associations ~~shall~~ have been consolidated, ~~shall cease~~ ceases, and the constituent associations, whether consolidated into a new association or merged into one of ~~such~~ the constituent associations, as the case may be, ~~shall~~ become the consolidated association by the name provided in ~~said~~ the agreement, possessing all the rights, privileges, powers, franchises and immunities as well of a public as of a private nature, and being subject to all the liabilities, restrictions and duties of each of ~~such~~ the associations so consolidated, and all and singular the rights, privileges, powers, franchises and immunities of each of ~~said~~ the associations, and all property, real, personal and mixed, and all debts due to any of ~~said~~ the constituent associations on whatever account, and all other things in action of or belonging to each of ~~said~~ the associations ~~shall be~~ are vested in the consolidated association. All property, rights, privileges, powers, franchises and immunities, and all and every other interest ~~shall be~~ are thereafter as effectually the property of the consolidated association as they were of the several and respective constituent associations, and the title to any real estate, whether by deed or otherwise, under

the laws of this State, vested in any of ~~such~~ the constituent associations, ~~shall may~~ not revert or be in any way impaired by reason ~~thereof~~ of the consolidation. All rights of creditors and all liens upon the property of any of ~~said~~ the constituent associations ~~shall must~~ be preserved unimpaired, limited to the property affected by such liens at the time of the consolidation, and all debts, liabilities and duties of the respective constituent associations ~~shall must~~ henceforth attach to ~~said~~ the consolidated association and may be enforced against it to the same extent as if ~~said~~ the debts, liabilities and duties had been incurred or contracted by it.

**Sec. E-16. 13 MRSA §1958**, as amended by PL 1987, c. 155, §§10 to 13, is corrected to read:

**§1958. Bargaining**

**1. Definition.** As used in this article, "bargaining" is the mutual obligation of a handler and a qualified association to meet at reasonable times and negotiate in good faith with respect to the price, terms of sale, compensation for commodities produced or sold, or both, under contract and other contract provisions relative to the commodities that ~~such~~ the qualified association represents and the execution of a written contract incorporating any agreement reached if requested by either party. ~~Such~~ This obligation on the part of any handler ~~shall extend~~ extends only to a qualified association that represents producers with whom ~~such~~ the handler has had a prior course of dealing. ~~Such~~ This obligation does not require either party to agree to a proposal or to make a concession. The obligation to bargain continues until the commencement of required mediation, as provided in section 1958-B, subsection 2.

**2. Prior course of dealing.** A handler ~~shall be~~ is deemed to have had a prior course of dealing with a producer if ~~such~~ the handler has purchased commodities produced by ~~such~~ the producer in any 2 of the preceding 3 years, ~~provided that~~ as long as the sale by a handler of ~~his~~ the handler's business ~~shall~~ does not negate any prior course of dealing that producers have had with this business.

**3. Contracts.** ~~Nothing in this Article shall be deemed to~~ This article does not prohibit a qualified bargaining association from entering into contracts with handlers to supply the full agricultural production requirements of such handlers.

**5. Further limitation.** It ~~shall be~~ is unlawful for a handler to purchase a product from other persons under terms more favorable to ~~such~~ those persons than those terms negotiated with a qualified bargaining association for ~~such~~ the product, unless ~~such~~ the handler has first offered to purchase ~~said~~ the product under ~~said~~ those more favorable terms from the members of the qualified association of producers and ~~said~~ the members have failed to supply the required product within a reasonable time according to ~~said~~ the more favorable terms.

**6. Notice; opportunity for hearing.** Whenever it is charged that a qualified association or handler refuses to bargain, as that term is defined in subsection 1, the board shall provide that person with notice and opportunity to be heard, in a manner consistent with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, as to adjudicatory hearings.

**7. Hearing.** Hearings held pursuant to subsection 6 ~~shall must~~ be held in a manner consistent with the Maine Administrative Procedure Act as to adjudicatory hearings. The



board shall request that the Attorney General, or any attorney in ~~his department~~ the Department of the Attorney General designated by ~~him~~ the Attorney General, be present at these hearings and ~~shall~~ advise the board on procedure and on the admissibility of any evidence.

**8. Findings.** If, upon a preponderance of the evidence, the board determines that the person complained of has refused to bargain, in violation of this article, it shall state its findings of fact and shall issue an order requiring ~~him~~ the person to bargain as that term is defined in subsection 1 and shall order such further affirmative action, excluding an award of damages, as will effectuate the policies of this article. Failure to comply with such an order is a violation of this article. If the board determines that the person complained of has not refused to bargain, it shall state its findings of fact and shall issue an order dismissing the charges.

**10. Modification.** Until the record in a case has been filed in a court, as provided in section 1959, the board may at any time, upon reasonable notice and in such manner as it ~~deems~~ determines proper, modify or set aside, in a whole or in part, any finding or order made or issued by it.

**Sec. E-17. 13 MRSA §1965, sub-§1**, as amended by PL 1987, c. 155, §23, is corrected to read:

**1.** Producers of agricultural commodities are free to join together voluntarily in associations as authorized by law without interference by handlers. A handler ~~shall~~ may not engage nor permit an employee or agent to engage in any of the following practices, defined as unfair practices:

- A. To coerce a producer in the exercise of ~~his~~ the producer's right to join and belong to or to refrain from joining or belonging to an association or to refuse to deal with a producer because of the exercise of ~~his~~ the producer's right to join and belong to an association except as provided in section 1958, subsection 5;
- B. To discriminate against a producer with respect to price, quantity, quality or other terms of purchase, acquisition or other handling of agricultural products because of ~~his~~ the producer's membership in or contract with an association;
- C. To coerce or intimidate a producer to breach, cancel or terminate a membership agreement or marketing contract with an association or a contract with a handler;
- D. To pay or loan money, give anything of value or offer any other inducement or regard to a producer for refusing or ceasing to belong to an association;
- E. To make or circulate unsubstantiated reports about the finances, management or activities of associations or handlers;
- F. To conspire, combine, agree or arrange with any other person to do or aid or abet the doing of any practice ~~which~~ that is in violation of this Act;
- G. To refuse to bargain with an accredited association with whom the handler has had prior dealings or with an accredited association whose producers in the bargaining units have had substantial dealing with the handler prior to the accreditation of the association; or
- H. To negotiate with a producer included in the bargaining unit after an association is accredited.

**Sec. E-18. 13 MRSA §1965, sub-§4**, as enacted by PL 1987, c. 155, §24, is corrected to read:

**4. Hearing.** Hearings held pursuant to subsection 3 ~~shall~~ must be held in a manner consistent with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, as to adjudicatory hearings. The board shall request that the Attorney General or any attorney in ~~his department~~ the Department of the Attorney General designated by the Attorney General, be present at these hearings and ~~shall~~ advise the board on procedure and on the admissibility of any evidence.

**Sec. E-19. 13 MRSA §2061, sub-§2** is corrected to read:

**2. Members' payments.** The amount ~~which that~~ each member ~~shall be~~ is required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member for services rendered by the association to ~~him~~ the member and the time of payment and the manner of collection; and the marketing contract between the association and its members, which every member may be required to sign;

**Sec. E-20. 13 MRSA §2062, sub-§5** is corrected to read:

**5. Suspension.** For the automatic suspension of the rights of a member when ~~he~~ the member ceases to be eligible ~~to~~ for membership in the association; and the mode, manner and effect of the expulsion of a member; and

**Sec. E-21. 13 MRSA §2062, sub-§6** is corrected to read:

**6. Valuation of interest.** The manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of ~~his~~ a member's membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their disqualification as stockholders.

**Sec. E-22. 13 MRSA §2107** is corrected to read:

**§2107. —~~notice~~ Notice; hearing**

The director or officer, against whom such charges have been brought, ~~shall~~ must be informed in writing of the charges previous to the meeting and ~~shall~~ have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against ~~him~~ shall the director or officer must have the same opportunity.

**Sec. E-23. 13 MRSA §2109** is corrected to read:

**§2109. District directors; petition; vote of district membership**

If the bylaws provide for election of directors by districts with primary elections in each district, the petition for removal of a director ~~shall~~ must be signed by 20% of the members residing in the district from which ~~he~~ the director was elected. The board of directors shall call a special meeting of the members residing in that district to consider the removal of the director; ~~and by a vote of the.~~ If a majority of the members of that district vote to remove the director, the director in question shall must be removed from office.

**Sec. E-24. 13 MRSA §2152** is corrected to read:

**§2152. Certificate**

When a member of an association established without shares of stock has paid ~~his~~ the member's membership fee in full, ~~he shall~~ the member must receive a certificate of membership.

**Sec. E-25. 13 MRSA §2153** is corrected to read:

**§2153. Liability for debts**

~~No~~ A member ~~shall be~~ is not liable for the debts of the association to an amount exceeding the sum remaining unpaid on ~~his~~ the member's membership fee or ~~his~~ subscription to the capital stock, including any unpaid balance on any promissory note given in payment thereof.

**Sec. E-26. 13 MRSA §2155** is corrected to read:

**§2155. Expulsion; payment for interest**

In case of the expulsion of a member, and ~~where~~ when the bylaws do not provide ~~any~~ a procedure or penalty, the board of directors shall equitably and conclusively appraise ~~his~~ the member's property interest in the association and shall fix the amount ~~thereof~~ of the member's property interest in money, which ~~shall~~ must be paid to ~~him~~ the member within one year after ~~such~~ the expulsion.

**Sec. E-27. 13 MRSA §2284** is corrected to read:

**§2284. Breach of contract; liquidated damages; costs**

The marketing contract may fix, as liquidated damages, specific sums to be paid by the member to the association upon the breach by ~~him~~ the member of any provision of the marketing contract regarding the sale or delivery or withholding of fishery products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees, in case ~~any~~ an action is brought upon the contract by the association; and any such provisions ~~shall be~~ are valid and enforceable in the courts of this State; and such clauses providing for liquidated damages ~~shall be~~ are enforceable as such and ~~shall~~ may not be regarded as penalties.

**Sec. E-28. 13 MRSA §2286** is corrected to read:

**§2286. Landlord or lessor; presumptions; remedies against**

In ~~any~~ an action upon such marketing agreements, it ~~shall be~~ is conclusively presumed that a landlord or lessor is able to control the delivery of fishery products produced by ~~his~~ the landlord's or lessor's equipment by tenants, or others, whose tenancy or possession or work on such equipment or the terms of whose tenancy or possession or labor thereon were created or changed after execution by the landlord or lessor; of such a marketing agreement; and in such actions, the foregoing remedies for nondelivery or breach ~~shall~~ lie and ~~be~~ are enforceable against ~~such~~ the landlord or lessor.

**Sec. E-29. 13 MRSA §2691**, as amended by PL 1987, c. 736, §8, is corrected to read:

**§2691. Warrant for calling meetings**

When any 5 or a majority of the proprietors of lands or wharves held in common desire a meeting of the proprietors for the purpose of forming a corporation or for any other purpose, they may make written application signed by them or their agents to ~~any~~ a justice of the peace residing in the county in which the lands or wharves are situated. The justice of the peace shall ~~thereupon~~ issue ~~his~~ a warrant calling a meeting at the time and place and for the purposes distinctly stated in the application, directed to one of the proprietors, requiring ~~him~~ the proprietor to give notice ~~thereof~~ of the meeting.

**Sec. E-30. 13 MRSA §2733** is corrected to read:

**§2733. Treasurer's powers and duties**

The treasurer may sue for and collect all debts due to the proprietors and shall render ~~his~~ the treasurer's account of all moneys received and paid; and ~~he~~ the treasurer shall hold ~~his~~ the office during their pleasure.

**Sec. E-31. 13 MRSA §2771** is corrected to read:

**§2771. Deposit with town clerk**

After a final division of their common property, the proprietors shall cause their records to be deposited in the office of the clerk of the town in which some part of such land lies. ~~He~~ The clerk may record votes and certify copies of ~~such~~ the records as the proprietors' clerk might have done. The last clerk chosen shall continue in office until the records are so deposited.

**Sec. E-32. 13 MRSA §2812** is corrected to read:

**§2812. Assessment collected by forced sale**

If ~~any~~ a proprietor neglects to pay ~~his~~ the proprietor's assessment to the treasurer, collector or committee for 6 months; if ~~he~~ the proprietor resides in the State, otherwise for 12 months, then the committee may, from time to time, sell at auction ~~so~~ as much of ~~his~~ the proprietor's right in the common lands as is sufficient to pay ~~his~~ the proprietor's tax and the reasonable charges of sale, after notice thereof posted as provided and published in 2 of the newspapers before named, 5 weeks successively next before the time of sale; and may give deeds thereof in fee to the purchaser.

**Sec. E-33. 13 MRSA §2861**, as amended by PL 1981, c. 456, Pt. A, §42, is corrected to read:

**§2861. Meeting to form parish**

~~Any~~ A person ~~of age~~ 18 years of age or older, desirous of becoming an incorporated parish or religious society, may apply to a notary public, who shall issue ~~his~~ a warrant to one of them, directing ~~him~~ that applicant to notify the other applicants to meet at some proper place expressed in the warrant. ~~He~~ The applicant shall give notice of the meeting 7 days at least before holding the ~~same~~, meeting by posting a notification ~~thereof~~ of the meeting on the outer door of the meetinghouse or place of public worship of the society, if any, otherwise at such place as the notary appoints.

**Sec. E-34. 13 MRSA §2866** is corrected to read:

**§2866. Persons deemed members; dissolution**

~~Any~~ A person described in section 2865, residing in a local parish holding funds derived from this State or Massachusetts, ~~shall be~~ is deemed a member of it until ~~he~~ the person dissolves the connection. Such a person having resided in ~~such~~ a parish one year, after ~~he~~ the person has arrived at majority, without either giving written notice to ~~its~~ the parish's clerk of ~~his~~ the person's consent to be a member ~~thereof of the parish~~, or paying a tax or subscription according to the mode that ~~said~~ the parish has adopted to raise money, ~~shall be~~ is deemed to have thereby dissolved ~~his~~ the person's connection ~~therewith~~ with the parish. ~~Said~~ The connection ~~shall remain~~ remains dissolved, and ~~said~~ the person ~~shall~~ is not be taxable until ~~he~~ the person renews the connection by giving written notice to ~~its~~ the parish's clerk of ~~his~~ the person's consent to be a member of ~~said~~ the parish. ~~Any~~ A person residing in a local parish may become a member of such parish not deriving funds from the State, by giving written notice to ~~its~~ the parish's clerk of ~~his~~ the person's intention to do so within one year after ~~he~~ the person is of age or removes thereto.

**Sec. E-35. 13 MRSA §2867** is corrected to read:

**§2867. No compulsion; withdrawals**

~~No~~ A person described in section 2866 ~~shall~~ may not be a member of a parish or religious society without ~~his~~ the person's consent. ~~Any~~ A person may dissolve ~~his~~ that person's connection ~~therewith~~ with a parish or religious society by leaving with its clerk a certificate of ~~his~~ the person's intention to do so, and all ~~his~~ the person's liability for future expenses ~~shall thereby cease~~ ceases; but ~~he~~ the person may be taxed for money previously raised, except in case of removal from a local parish.

**Sec. E-36. 13 MRSA §2904**, as amended by PL 1987, c. 736, §10, is corrected to read:

**§2904. Refusal of assessors**

If the assessors unreasonably refuse, ~~any~~ a justice of the peace on like application may issue ~~his~~ a warrant to one of the applicants, who shall notify such meeting as prescribed in section 2861 or as agreed on by parish vote.

**Sec. E-37. 13 MRSA §2944** is corrected to read:

**§2944. Notice of nonoccupancy by pew owner; rights**

Whenever a parish or church raises its current expenses by assessment on its pews, ~~any~~ a pew owner who ~~shall~~ does not occupy ~~his~~ the owner's pew, either ~~by himself alone~~ or with family, or rent the same, may give a written notice to the clerk of the parish or church, or to the parish committee or assessors, of ~~his~~ the owner's intention not to occupy ~~said~~ the pew for one year following the next annual meeting of ~~said~~ the parish or church, in which case ~~said~~ the pew owner ~~shall~~ is not be liable for any tax assessed on ~~said~~ the pew during ~~said~~ that year, neither ~~shall he~~ may the owner act and vote at ~~said~~ the annual meeting unless ~~he~~ the owner retains a pew for the occupancy of ~~himself~~ the owner and the owner's family, and the parish or church may let ~~said~~ the pew during ~~said~~ that year and appropriate the rent to the current expenses of the parish or church, and ~~said~~ the parish or church ~~shall~~ may not sell ~~said~~ the pew for taxes assessed during that year.

**Sec. E-38. 13 MRSA §2982**, as amended by PL 1975, c. 244, is corrected to read:

**§2982. Officers as corporations; organization and powers**

The church wardens of Episcopal churches, the stewards or trustees of the United Methodist church and the deacons of all other Protestant churches are ~~so far~~ considered corporations as to take, in succession, all grants and gifts of real and personal estate made to their churches or to them and their successors. If the ministers, elders or ~~vestrymen~~ vestry members are joined with them in such grants or gifts, the 2 classes of officers ~~shall~~ be are considered corporations for that purpose. For the purpose of organizing any such corporation, one or more members of ~~said~~ the corporation may call a meeting thereof by a notice posted upon the outer door of the meetinghouse or place of public worship of their parish or society at least 7 days before the time of holding such meeting; or, if there is no such meetinghouse or place of public worship, by a notice posted in 2 public and conspicuous places in the town wherein ~~said~~ the parish or society is located. At such meeting the corporation may organize, adopt a corporate name and elect such officers as its bylaws ~~shall~~ prescribe. Said corporations are authorized to take by gift, purchase, bequest, demise or otherwise, real and personal property for religious purposes, and may make such contracts in relation to such estate, its improvements, disposal, investment or reinvestment, as they may be authorized under the rules of their church or instructed by the church for which they hold estate in trust to make, ~~which and the~~ contracts may be enforced by or against them as in other cases. ~~No~~ A disposal of ~~such~~ the estate ~~shall~~ may not be made, inconsistent with the terms of the grant by which it is held. Trustees of the local United Methodist churches are created a corporation with all the rights and privileges of corporations, subject to the restrictions contained in the book of discipline of the United Methodist church.

**Sec. E-39. 13 MRSA §2983** is corrected to read:

**§2983. Ministers and officers of religious societies; powers**

The ministers of a parish or religious society and the deacons, elders, trustees, stewards and other presiding officers of a religious society or church, having by its usages no settled minister, may take, in succession, any estate granted to the minister and ~~his~~ the minister's successors, or for the use of the ministry or poor of the church; and may prosecute and defend all civil actions respecting it; but they ~~shall~~ may not so take, while the clear annual income of prior grants is \$3,000.

**Sec. E-40. 13 MRSA §2984** is corrected to read:

**§2984. Conveyance of land**

~~No~~ A conveyance of an estate as set forth in section 2983 by a minister ~~shall~~ may not be valid for longer than ~~he~~ the minister is in the ministry; or by such deacons or other officers, for longer than they are in office, if made by them without consent of the church or by church wardens without the consent of the vestry.

**Sec. E-41. 13 MRSA §3022**, as amended by PL 1981, c. 456, Pt. A, §44, is corrected to read:

**§3022. Notice of meeting**

When 3 or more members of the church who are voters according to section 3023 ~~shall~~ apply in writing to ~~any~~ a notary public in the county for the purpose of incorporating the church, the notary shall issue ~~his~~ a warrant addressed to one of the applicants, stating the time, place and purposes of the meeting and directing ~~him~~ the applicant to notify the members of the church by posting a certified copy of the warrant in a conspicuous place

near the main entrance to the usual place of meeting of the church and in one other public and conspicuous place in the same town, for 7 days, at least, prior to the meeting.

**Sec. E-42. 13 MRSA §3102** is corrected to read:

**§3102. Dissenting pew owners; proceedings**

~~Any~~ An owner or occupant of a pew in ~~such~~ a meetinghouse who expresses ~~his~~ dissent from ~~such~~ a vote pursuant to section 3101 in writing to the clerk of the parish or incorporated church within one month from the time of holding ~~such~~ a meeting ~~shall~~ must have ~~his~~ the owner's or occupant's pew appraised, as provided in section 3105, and the appraised value ~~shall~~ must be tendered to ~~him~~ the owner or occupant in satisfaction of ~~his~~ the owner's or occupant's claim for compensation and ~~he~~ the owner or occupant shall then deliver a deed of ~~such~~ the pew to the parish or incorporated church. If such dissent is not so expressed, ~~such~~ the pew ~~shall~~ must be forever forfeited to the parish or incorporated church.

**Sec. E-43. 13 MRSA §3106** is corrected to read:

**§3106. Dissenting proprietors; value of interest; limitation and forfeiture**

When it is decided to repair, remodel or rebuild a meetinghouse, any owner or proprietor dissenting from the action of the majority and declining to take an interest in the house as altered may demand and receive of ~~such~~ the majority the appraised value of ~~his~~ that owner's or proprietor's interest after deducting ~~his~~ the owner's or proprietor's proportion of debts against the property, to be recovered in a civil action~~;~~, which ~~shall~~ may not be commenced until 30 days after ~~such~~ the demand, nor after the lapse of a year after notice is posted for 3 successive weeks on the meetinghouse door and some other conspicuous place in its precinct, stating the persons to whom the money is to be paid, the amount payable to each and the time limited for payment. If ~~said~~ the sums are not demanded within ~~said~~ that time, they are forfeited to the majority for parish uses. This section does not apply to any case ~~where~~ in which the repairs decided upon are only such as are necessary to keep ~~such~~ the meetinghouse in a tenantable condition.

**Sec. E-44. 13 MRSA §3107**, as amended by PL 1981, c. 456, Pt. A, §45, is corrected to read:

**§3107. Owners may incorporate**

The owners of a meetinghouse or building for public worship and the pew owners may be incorporated; when any 3 or more of them apply ~~therefor~~ to be incorporated to a notary public, who shall issue ~~his~~ a warrant to one of them, stating the time, place and purpose of the meeting, and directing ~~him~~ that person to notify the owners by posting a certified copy of it for 14 days on the principal outer door of the building and in one or more public places in the same town.

**Sec. E-45. 13 MRSA §3110**, as amended by PL 1981, c. 456, Pt. A, §46, is corrected to read:

**§3110. Meetings of owners**

When there has ~~not~~ been ~~no~~ a meeting of the incorporated pew owners; or proprietors or owners of a meetinghouse or building for public worship for 3 years, a meeting may be called on application of 3 or more members thereof to a notary public, who shall issue ~~his~~

a warrant to one of them stating the time, place and purposes of the meeting, directing ~~him~~ the member to notify the meeting by posting a certified copy of the warrant, 3 weeks before the time of meeting, on the principal outer door of the building, and in one or more public places in the same town and publishing it in a newspaper published in the county, if any, otherwise in an adjoining county or in the state paper.

**Sec. E-46. 13 MRSA §3111**, as amended by PL 1987, c. 736, §11, is corrected to read:

**§3111. Different denomination; division of time**

When a house of public worship is owned by persons of different denominations and when an organized society, or its members, own 5 pews therein, one or more of the minority owning not less than 5 pews may apply to a justice of the peace to obtain a division of the time of occupying the house. ~~He~~ The justice of the peace shall call a meeting of the owners by posting a notice in a public place in or about the house, 30 days at least before the meeting, stating the time, place and object ~~thereof~~ of the meeting.

**Sec. E-47. 13 MRSA §3163** is corrected to read:

**§3163. Officers**

The corporation shall annually elect a president, clerk and treasurer. The treasurer shall give bond with sureties sufficient in the opinion of the trustees for the faithful discharge of ~~his~~ the treasurer's duty. The clerk ~~shall~~ must be sworn.

**EXPLANATION**

This Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 13 pursuant to Public Law 2019, chapter 475, section 52, and, as authorized by Title 1, section 93, this Part also incorporates certain administrative changes and corrections to those statutory units.

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**PART F**

**Sec. F-1. 36 MRSA §192, sub-§1**, as enacted by PL 1981, c. 364, §19, is corrected to read:

**1. Expenses.** The reasonable and necessary traveling expenses of the State Tax Assessor and of ~~his~~ the State Tax Assessor's employees while actually engaged in the performance of their duties, certified upon vouchers approved by the State Tax Assessor, ~~shall~~ must be paid by the Treasurer of State upon warrant of the State Controller.

**Sec. F-2. 36 MRSA §501, sub-§4**, as amended by PL 2021, c. 275, §54, is corrected to read:

**4. Municipal officers.** "Municipal officers" means the mayor, councillors and ~~aldermen~~ municipal officers of cities, the members of the select board of towns and the assessors of plantations.

**Sec. F-3. 36 MRSA §1760, sub-§7-A**, as enacted by PL 2005, c. 12, Pt. GGG, §2, is corrected to read:



**7-A. Products used in aquacultural production and bait.** Sales of feed, hormones, pesticides, antibiotics and medicine for use in aquacultural production and sales of bait to ~~commercial fishermen~~ a person who fishes commercially.

**Sec. F-4. 36 MRSA §3202, sub-§8,** as enacted by PL 1983, c. 94, Pt. D, §6, is corrected to read:

**8. Use.** "Use" means, in addition to its original meaning, the receipt of special fuel by any person into a motor vehicle or into a receptacle from which special fuel is supplied by that person to ~~his~~ that person's own or other motor vehicles.

**Sec. F-5. 36 MRSA §3914,** as amended by PL 1983, c. 480, Pt. A, §59, is corrected to read:

**§3914. Arbitration agreement**

When the ~~State Tax Assessor~~ assessor claims that a decedent was domiciled in this State at the time of ~~his~~ the decedent's death and the taxing authorities of another state or states make a like claim on behalf of their state or states, the ~~State Tax Assessor~~ assessor may with the approval of the Attorney General make a written agreement with the other taxing authorities and with the personal representative to submit the controversy to the decision of a board consisting of one or any uneven number of arbitrators. The personal representative may make the agreement. The parties to the agreement shall select the arbitrator or arbitrators.

**Sec. F-6. 36 MRSA §3917** is corrected to read:

**§3917. Determination of domicile**

The board shall, by majority vote, determine the domicile of the decedent at the time of ~~his~~ the decedent's death. This determination ~~shall be~~ is final for purposes of imposing and collecting death taxes but for no other purpose.

**Sec. F-7. 36 MRSA §3984,** as amended by PL 1983, c. 480, Pt. A, §62, is corrected to read:

**§3984. Filing of compromise agreement; interest or penalty for nonpayment**

When the ~~State Tax Assessor~~ assessor claims that a decedent was domiciled in this State at the time of ~~his~~ the decedent's death and the taxing authorities of another state or states make a like claim on behalf of their state or states, the ~~State Tax Assessor~~ assessor may, with the approval of the Attorney General, make a written agreement of compromise with the other taxing authorities and the personal representative that a certain sum ~~shall~~ must be accepted in full satisfaction of any and all death taxes imposed by this State, including any interest or penalties to the date of filing the agreement. The agreement ~~shall~~ must fix the amount to be accepted by the other states in full satisfaction of death taxes. The personal representative may make that agreement. Either the ~~State Tax Assessor~~ assessor or the personal representative shall file the agreement or a duplicate with the authority that would be empowered to assess death taxes for this State if there had been no agreement, and ~~thereupon~~ upon such filing the tax ~~shall be~~ is deemed conclusively fixed as ~~therein~~ provided in the agreement. Unless the tax is paid within 30 days after filing the agreement, interest ~~shall~~ must thereafter accrue upon the amount fixed in the agreement, but the time between the decedent's death and the filing ~~shall~~ may not be included in computing the interest.

**Sec. F-8. 36 MRSA §4043, first ¶**, as amended by PL 1983, c. 480, Pt. A, §64, is corrected to read:

The proof required by section 4042 may be in the form of a certificate issued by the official charged with the administration of the death tax laws of the state of domicile. If proof is not filed as ~~therein~~ provided in section 4042, the register of probate shall forthwith notify by mail the official of the state of domicile so far as is known to ~~him~~ the register of probate:

**Sec. F-9. 36 MRSA §4043, 2nd ¶**, as amended by PL 1983, c. 480, Pt. A, §64, is corrected to read:

The register shall attach to that notice a plain copy of the will and codicils of the decedent, if ~~he~~ the decedent died testate, or if ~~he~~ the decedent died intestate, a list of ~~his~~ the decedent's heirs and next of kin so far as is known to the register. Within 60 days after the mailing of the notice, the official of the state of domicile may file with the Probate Court in this State a petition for an accounting in the estate. The official ~~shall~~ must, for the purposes of this chapter, be a party interested for the purpose of petitioning for the accounting. If a petition is filed within the period of 60 days, the Probate Court shall decree an accounting, and upon that accounting being filed and approved shall decree the remission to the fiduciary appointed by the Probate Court of the state of domicile of the balance of the intangible personalty after the payment of creditors and expenses of administration in this State.

**Sec. F-10. 36 MRSA §4045** is corrected to read:

#### **§4045. Reciprocity**

This chapter ~~shall apply~~ applies to the estate of any nonresident decedent if the laws of the state of ~~his~~ that nonresident decedent's domicile contain a provision, of any nature or however expressed, whereby this State is given reasonable assurance of the collection of its death taxes, interest and penalties from the estates of decedents dying domiciled in this State in cases ~~where~~ when the estates of such decedents are being administered in ~~such~~ the other state. This chapter ~~shall~~ must be liberally construed in order to ~~insure~~ ensure that the state of domicile of any decedent ~~shall receive~~ receives any death taxes, together with interest and penalties ~~thereon~~, due to it.

**Sec. F-11. 36 MRSA §4065, sub-§1**, as enacted by PL 1981, c. 451, §7, is corrected to read:

**1. Payment of tax.** The tax imposed by this chapter ~~shall~~ must be paid by the personal representative to the extent of assets subject to ~~his~~ the personal representative's control. The ~~State Tax Assessor~~ assessor may accept payment of estate taxes in works of art in accordance with Title 27, chapter 2, subchapter ~~H~~ 2.

**Sec. F-12. 36 MRSA §4071, sub-§2, ¶B**, as enacted by PL 1981, c. 451, §7, is corrected to read:

B. A final disposition by the United States Secretary of the Treasury or ~~his~~ the Secretary of the Treasury's delegate of a claim for a refund. The disposition ~~shall be~~ is deemed to have occurred:

- (1) As to items of the claim ~~which~~ that are allowed, upon allowance of refund or upon disallowance of the claim by reason of offsetting items; and

(2) As to items of the claim ~~which~~ that are disallowed, or as to items applied by the United States Secretary of the Treasury or ~~his~~ the Secretary of the Treasury's delegate as an offset against the claim, upon expiration of the time for instituting suit for refund with respect to those items, unless suit is instituted before the expiration of such time, or upon filing with the ~~State Tax Assessor~~ assessor, a written statement that suit will not be instituted;

**Sec. F-13. 36 MRSA §4071, sub-§2, ¶D**, as enacted by PL 1981, c. 451, §7, is corrected to read:

D. An assessment pursuant to a waiver of restrictions on assessment, or a notification in writing issued by the United States Secretary of the Treasury or ~~his~~ the Secretary of the Treasury's delegate that the federal estate tax return has been accepted as filed, unless the personal representative notifies the ~~State Tax Assessor~~ assessor that a claim for refund of federal estate taxes has been or will be filed; or

**Sec. F-14. 36 MRSA §4071, sub-§2, ¶E**, as enacted by PL 1981, c. 451, §7, is corrected to read:

E. ~~Any~~ An assessment pursuant to a compromise entered into by the personal representative and the United States Secretary of the Treasury or ~~his~~ the Secretary of the Treasury's delegate.

**Sec. F-15. 36 MRSA §4078, 2nd ¶**, as enacted by PL 1981, c. 451, §7, is corrected to read:

If the tax or any part of the tax is paid or collected out of that part of the estate passing to or in possession of any person other than the personal representative in ~~his~~ the personal representative's capacity as such, that person is entitled to a reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the person whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest in the estate is subject to an equal or prior liability for the payment of tax, debts or other charges against the estate.

**Sec. F-16. 36 MRSA §4605, sub-§4**, as enacted by PL 1985, c. 753, §§14 and 15, is corrected to read:

**4. Application; certificate.** ~~Every~~ A shipper of potatoes shall file an application with the ~~State Tax Assessor~~ assessor, on forms prescribed and furnished by ~~him~~ the assessor, ~~which shall contain~~ that contains the name or names under which the shipper is transacting business within the State, the place or places of business and location or locations of loading and shipping places and agents of the shipper, the names and addresses of the several persons constituting a firm or partnership of the shipper and, if a corporation, the corporate name and the names and addresses of its principal officers and agents within the State. Upon receipt of a complete and valid application, the ~~State Tax Assessor will~~ assessor shall issue a certificate to the shipper. ~~No~~ A person may not act as a shipper until that certificate is issued to ~~him~~ that person. The certificate ~~shall~~ may not be ~~deemed~~ considered a license within the meaning of that term in ~~the Maine Administrative Procedure Act~~, Title 5, chapter 375.

**Sec. F-17. 36 MRSA §4605, sub-§7**, as enacted by PL 1985, c. 753, §§14 and 15 and amended by PL 2011, c. 657, Pt. W, §6, is corrected to read:

**7. Inspections.** The ~~State Tax Assessor~~ assessor or ~~his~~ the assessor's duly authorized agent may enter any place of business of any shipper or any car, boat, truck or other conveyance in which potatoes are to be transported and to inspect books and records of any shipper for the purpose of determining what potatoes are taxable under this chapter and for the purpose of verifying any statement or return made by any shipper. The ~~State Tax Assessor~~ assessor may delegate all or part of that authority to agents of the board or of the Commissioner of Agriculture, Conservation and Forestry.

**Sec. F-18. 36 MRSA §5102, sub-§1-C, ¶B,** as enacted by PL 1985, c. 783, §17, is corrected to read:

B. "Maine adjusted gross income" means, for a nonresident individual, that part of ~~his~~ the nonresident individual's federal adjusted gross income derived from sources within this State, as determined under section 5142.

**Sec. F-19. 36 MRSA §5102, sub-§4, ¶A,** as enacted by P&SL 1969, c. 154, §F, §1, is corrected to read:

A. The estate of a decedent who at ~~his~~ the decedent's death was domiciled in this State;

**Sec. F-20. 36 MRSA §5192, sub-§1,** as enacted by P&SL 1969, c. 154, §F, §1, is corrected to read:

**1. General.** In determining the adjusted gross income of a nonresident partner of any partnership, there ~~shall~~ must be included only that part derived from or connected with sources in this State of the partner's distributive share of items of partnership income, gain, loss and deduction entering into ~~his~~ that nonresident partner's federal adjusted gross income, as ~~such~~ that part is determined under regulations prescribed by the assessor in accordance with the general rules in section 5142.

**Sec. F-21. 36 MRSA §5192, sub-§2,** as amended by PL 1985, c. 783, §32, is corrected to read:

**2. Itemized deductions.** If a nonresident partner of any partnership elects to itemize ~~his~~ deductions in determining ~~his~~ that nonresident partner's tax liability to this State, ~~there shall be attributed to him~~ his the distributive share of partnership items of deduction from federal adjusted gross income for that nonresident partner must be attributed to that nonresident partner.

**Sec. F-22. 36 MRSA §5192, sub-§3,** as enacted by P&SL 1969, c. 154, §F, §1, is corrected to read:

**3. Special rules as to sources in this State.** In determining the sources of a nonresident partner's income, ~~no~~ effect ~~shall~~ may not be given to a provision in the partnership agreement ~~which~~ that:

A. Characterizes payments to the partner as being for services or for the use of capital, or allocated to the partner, as income or gain from sources outside this State, a greater proportion of ~~his~~ that partner's distributive share of partnership income or gain than the ratio of partnership income or gain from sources outside this State to partnership income or gain from all sources except as authorized in subsection 5; or

B. Allocates to the partner a greater proportion of a partnership item of loss or deduction connected with sources in this State than ~~his~~ that partner's proportionate

share, for federal income tax purposes, of partnership loss or deduction generally, except as authorized in subsection 5.

**Sec. F-23. 36 MRSA §5192, sub-§5**, as enacted by P&SL 1969, c. 154, §F, §1, is corrected to read:

**5. Alternate methods.** The assessor may, on application, authorize or may require the use of such other methods of determining a nonresident partner's portion of partnership items derived from or connected with sources in this State, and the modifications related ~~thereto~~ to those partnership items, as may be appropriate and equitable, on such terms and conditions as ~~he~~ the assessor may require.

**Sec. F-24. 36 MRSA §5211, sub-§1**, as amended by PL 1987, c. 841, §10, is corrected to read:

**1. Apportionment.** ~~Any~~ A taxpayer, other than a resident individual, estate, or trust, having income from business activity ~~which~~ that is taxable both within and without this State, other than the rendering of purely personal services by an individual, shall apportion ~~his~~ that taxpayer's net income as provided in this section. ~~Any~~ A taxpayer having income solely from business activity taxable within this State shall apportion ~~his~~ that taxpayer's entire net income to this State.

**Sec. F-25. 36 MRSA §5211, sub-§2**, as amended by PL 1987, c. 841, §10, is corrected to read:

**2. Taxpayer taxable in another state.** For purposes of apportionment of income under this section, a taxpayer is taxable in another state if in that state ~~he~~ that taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether in fact, the state does or does not.

**Sec. F-26. 36 MRSA §5214-A, sub-§2**, as enacted by PL 1985, c. 783, §36, is corrected to read:

**2. Limitation on credit.** The credit under this section ~~shall~~ may not reduce the tax otherwise due from the beneficiary under this Part to an amount less than would have been due if the accumulation distribution or ~~his~~ that beneficiary's part of the accumulation distribution were excluded from ~~his~~ that beneficiary's adjusted gross income.

**Sec. F-27. 36 MRSA §5222, sub-§1**, as enacted by P&SL 1969, c. 154, §F, §1, is corrected to read:

**1. Decedents.** An income tax return for ~~any~~ a deceased individual ~~shall~~ must be made and filed by ~~his~~ the deceased individual's executor, administrator, or other person charged with the care of ~~his~~ that deceased individual's property. A final return of a decedent ~~shall~~ be is due when it would have been due if the decedent had not died.

**Sec. F-28. 36 MRSA §5222, sub-§2**, as enacted by P&SL 1969, c. 154, §F, §1, is corrected to read:

**2. Individuals under a disability.** An income tax return for an individual who is unable to make a return by reason of minority or other disability ~~shall~~ must be made and filed by ~~his~~ that individual's duly authorized agent, ~~his~~ his committee, guardian, conservator, or fiduciary or ~~other~~ another person charged with the care of ~~his person~~ that individual or

that individual's property other than a receiver in possession of only a part of the individual's property.

**Sec. F-29. 36 MRSA §5257**, as enacted by P&SL 1969, c. 154, §F, §1, is corrected to read:

**§5257. Methods of accounting**

**1. Same as federal.** For purposes of the tax imposed by this Part, a taxpayer's method of accounting ~~shall~~ must be the same as ~~his~~ that taxpayer's method of accounting for federal income tax purposes. If no method of accounting has been regularly used by the taxpayer, taxable income for purposes of this Part ~~shall~~ must be computed under ~~such a~~ a method that in the opinion of the assessor fairly reflects income.

**2. Change of accounting methods.** If a taxpayer's method of accounting is changed for federal income tax purposes, ~~his~~ that taxpayer's method of accounting for purposes of this Part ~~shall~~ must similarly be changed.

**Sec. F-30. 36 MRSA §5311, sub-§1**, as enacted by P&SL 1969, c. 154, §F, §1, is corrected to read:

**1. General.** The tax imposed by this Part ~~shall~~ must be collected by the assessor ~~and he, who~~ who may establish the mode or time for the collection of any amount due under this Part if not otherwise specified. The assessor shall, on request, give a receipt for any amount collected under this Part. The assessor may authorize incorporated banks or trust companies ~~which~~ that are depositaries or fiscal agents of this State to receive and give a receipt for any tax imposed under this Part, in such manner, at such times, and under such conditions as ~~he~~ the assessor may prescribe; and the assessor shall prescribe the manner, times and conditions under which the receipt of tax by such banks and trust companies is to be treated as payment of tax to the assessor.

**Sec. F-31. 36 MRSA §6214**, as enacted by PL 1987, c. 516, §§3 and 6, is corrected to read:

**§6214. Disallowance of certain claims**

A claim ~~shall~~ must be disallowed, if the ~~State Tax Assessor~~ assessor finds that the claimant received title to ~~his~~ the claimant's homestead primarily for the purpose of receiving benefits under this chapter.

**EXPLANATION**

This Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 36 pursuant to Public Law 2019, chapter 475, section 52, and, as authorized by Title 1, section 93, this Part also incorporates certain administrative changes and corrections to those statutory units.

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