

# MAINE STATE LEGISLATURE

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Date: 4/18/18

L.D. 1894  
(Filing No. H-782)

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1327, L.D. 1894, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting after the enacting clause and before section 1 the following:

**'PART A'**

Amend the bill by striking out all of sections 7 to 9 and 24.

Amend the bill in section 35 in the first line (page 15, line 5 in L.D.) by striking out the following: "Sec. 35" and inserting the following: 'Sec. 36'

Amend the bill in section 36 in the first line (page 15, line 9 in L.D.) by striking out the following: "Sec. 36" and inserting the following: 'Sec. 35'

Amend the bill by striking out all of sections 43, 48 to 54, 65, 73, 75, 76 and 78 to 82.

Amend the bill by inserting after section 90 the following:

**'PART B'**

**Sec. B-1. 32 MRSA §2180, sub-§1**, as enacted by PL 2017, c. 258, Pt. A, §1, is amended to read:

**1. Effective date.** This compact becomes effective and binding on ~~the earlier of the~~ date of legislative enactment of this compact into law by no fewer than 26 states or December 31, 2018, whichever is earlier. All party states to this compact that were parties to the prior compact are deemed to have withdrawn from the prior compact within 6 months after the effective date of this compact.

**Sec. B-2. 36 MRSA §191, sub-§2, ¶BBB**, as enacted by PL 2015, c. 490, §4, is amended to read:

**COMMITTEE AMENDMENT**

R. O'NEILL

1 BBB. The disclosure to an authorized representative of the Department of  
2 Professional and Financial Regulation, Bureau of Insurance of information necessary  
3 to determine whether a long-term disability income protection plan or short-term  
4 disability income protection plan as described in section ~~5219-NN~~ 5219-OO,  
5 subsection 1 qualifies for the disability income protection plans in the workplace  
6 credit provided by section ~~5219-NN~~ 5219-OO;

7 PART C

8 **Sec. C-1. 5 MRSA §1764-A, sub-§2, ¶B**, as enacted by PL 2003, c. 497, §1 and  
9 affected by §5, is amended to read:

10 B. Include an energy-use target that exceeds by at least 20% the energy efficiency  
11 standards in effect for commercial and institutional buildings pursuant to ~~Title 10,~~  
12 ~~section 1415-D~~ the Maine Uniform Building and Energy Code under Title 10, chapter  
13 1103; and

14 **Sec. C-2. 5 MRSA §10004, sub-§5**, as enacted by PL 1977, c. 694, §38, is  
15 amended to read:

16 **5. Rules of sportsmanship.** In the course of any professional sporting event directly  
17 regulated by an agency, the agency determines that a licensee has:

18 A. Engaged in physical contact ~~which~~ that is prohibited by the rules of the sport with  
19 another contestant or official immediately before, during or immediately after the  
20 regulated sporting event;

21 B. Engaged in a use or administration of drugs ~~which~~ that is prohibited by the rules  
22 of the sport;

23 C. Failed to disclose to proper authorities or officials a known medical or mental  
24 condition of a contestant ~~which~~ that was required to be disclosed or ~~which~~ that could  
25 affect the public health and safety; or

26 D. Failed to fulfill contracts or obligations to make payments to contestants and  
27 officials for their participation in professional athletic events; ~~provided that the~~  
28 ~~revocation, suspension or refusal to renew shall not continue for more than 30 days;~~  
29 ~~or.~~

30 The revocation, suspension or refusal to renew a license for a violation described in this  
31 subsection may not continue for more than 30 days; or

32 **Sec. C-3. 20-A MRSA §15908-A, sub-§2, ¶B**, as enacted by PL 2003, c. 497,  
33 §2 and affected by §5, is amended to read:

34 B. Include an energy-use target that exceeds by at least 20% the energy efficiency  
35 standards in effect for commercial and institutional buildings pursuant to ~~Title 10,~~  
36 ~~section 1415-D~~ the Maine Uniform Building and Energy Code under Title 10, chapter  
37 1103; and

38 **Sec. C-4. 20-A MRSA §16101, sub-§2, ¶B**, as enacted by PL 1981, c. 693, §§5  
39 and 8, is amended to read:

1 B. School administrative districts or regional school units; and  
2 **Sec. C-5. 20-A MRSA §16102, sub-§1, ¶B**, as enacted by PL 1981, c. 693, §§5  
3 and 8, is amended to read:

4 B. In a school administrative district or a regional school unit by a school board; and  
5 **Sec. C-6. 20-A MRSA §16102, sub-§2, ¶B**, as enacted by PL 1981, c. 693, §§5  
6 and 8, is amended to read:

7 B. As provided for laying out county ways in Title 23, sections 2052 and 2054, for  
8 school administrative districts, regional school units and community school districts,  
9 except that notice need not be given to the Department of Transportation.

10 **Sec. C-7. 22 MRSA §2660-U**, as enacted by PL 2017, c. 230, §3, is amended to  
11 read:

12 **§2660-U. Fees**

13 The Health and Environmental Testing Laboratory established in section 565 shall  
14 collect a fee not to exceed \$10 from a person or entity ordering a water test for a water  
15 sample from a residential private drinking water well. The fees collected must be  
16 credited to the Private Well Safe Drinking Water Fund established in section 2660-W and  
17 used for the purpose of increasing testing of residential private drinking water wells. ~~The~~  
18 ~~department shall establish by rule a percentage of the fee to be directed toward~~  
19 ~~administrative costs for collecting data from private laboratories.~~ If more than one test of  
20 a water sample from the same residential private drinking water well is conducted, the  
21 department may waive payment of a fee established under this section for a one-year  
22 period. A fee collected under this section is in addition to any fee charged by the  
23 department pursuant to section 2602-A, subsection 2.

24 **Sec. C-8. 28-A MRSA §121, sub-§1**, as amended by PL 1993, c. 608, §2, is  
25 further amended to read:

26 **1. Petition.** A petition for a local option election must be signed by a number of  
27 voters equal to at least 15% of the number of votes cast in that municipality in the last  
28 gubernatorial election. All petition signatures must have been signed since the last  
29 general election. The petition must be addressed to and received by the municipal  
30 officers at least 45 60 days before holding any primary, special statewide, general or  
31 municipal election or town meeting.

32 **Sec. C-9. 30-A MRSA §2528, sub-§4, ¶D**, as amended by PL 1993, c. 608, §6,  
33 is further amended to read:

34 D. A nomination paper or a certificate of political caucus nomination that complies  
35 with this section is valid unless a written objection to it is made to the municipal  
36 officers by the ~~43rd~~ 58th day prior to election day.

37 (1) If an objection is made, the clerk shall immediately notify the candidate  
38 affected by it.

39 (2) The municipal officers shall determine objections arising in the case of  
40 nominations. Their decision is final.

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**Sec. C-10. 30-A MRSA §2528, sub-§6-A, ¶¶A and B**, as enacted by PL 1993, c. 608, §8, are amended to read:

A. A candidate may withdraw from an elective race by notifying the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal at least 45 60 days before the election. This notice must be signed by the candidate and must be notarized.

B. Within the ~~45-day~~ 60-day period before an election, the municipal clerk may allow a candidate to withdraw from an elective race. A candidate who requests to withdraw within the ~~45-day~~ 60-day period before an election shall notify the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal. This notice must be signed by the candidate and must be notarized.

**Sec. C-11. 34-B MRSA §3805, sub-§3**, as enacted by PL 1983, c. 459, §7, is amended to read:

**3. Penalty.** Causing unwarranted ~~hospitalization~~ hospitalization or causing a denial of rights is a Class C crime.

**Sec. C-12. PL 2017, c. 88, §39** is repealed.

**Sec. C-13. Appropriations and allocations.** The following appropriations and allocations are made.

**ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL Governmental Ethics and Election Practices - Commission on 0414**  
Initiative: Provides a one-time allocation to correct an error in Public Law 2017, chapter 284, Part ZZZZZZ, section 19 to align allocations with available resources.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$3,976,470
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$0	\$3,976,470

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment deletes sections 7 to 9, 24, 43, 48 to 54, 75, 76, 81 and 82 from the bill because the sections conflict with newly enacted legislation or legislation that is currently pending. This amendment deletes sections 65 and 73 from the bill and includes them in amended form in Part B. This amendment deletes sections 78 to 80 from the bill, which proposed to delete cross-references to the repealed gasoline tax indexing law. This amendment renumbers 2 sections of the bill to place them in the correct statutory order.

Part B of the amendment amends the Maine Revised Statutes, Title 32, section 2180, subsection 1 to clarify that the effective date of the Nurse Licensure Compact in this State is the date of legislative enactment of this compact into law by no fewer than 26 states or

2018

COMMITTEE AMENDMENT "A" to H.P. 1327, L.D. 1894

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December 31, 2018, whichever is earlier. Part B also corrects an additional cross-reference to the tax credit for disability income protection plans in the workplace.

Part C makes the following corrections, which may be considered substantive.

1. Sections 1 and 3 correct cross-references to the Maine Uniform Building and Energy Code.

2. Section 2 corrects a formatting error in the Maine Administrative Procedure Act and makes grammatical changes.

3. Sections 4, 5 and 6 amend the laws governing the condemnation of property for the construction or expansion of school buildings or playgrounds to provide authority to regional school units.

4. Section 7 removes language that the Joint Standing Committee on Health and Human Services intended to remove in the majority committee amendment to L.D. 454 of the First Regular Session of the 128th Legislature, which was enacted by the Legislature.

5. Sections 8, 9 and 10 amend the deadlines for local option petitions, filing written objections to nomination papers or caucus nomination certificates and candidate withdrawals, respectively, to be consistent with a change made in the First Regular Session of the 128th Legislature.

6. Section 11 corrects a clerical error in the involuntary hospitalization statutes.

7. Section 12 removes the application section of Public Law 2017, chapter 88, which refers to benefits paid to disability retirement benefit recipients, because the sections of the public law referenced do not refer to benefits paid.

8. Section 13 provides a new allocation section for the Commission on Governmental Ethics and Election Practices because of an error in Public Law 2017, chapter 284, Part ZZZZZZ, section 19 that resulted in a negative allocation for fiscal year 2018-19. Section 13 provides an allocation of \$3,976,470 to result in the correct allocation for fiscal year 2018-19.

**FISCAL NOTE REQUIRED**

(See attached)

**COMMITTEE AMENDMENT**



# 128th MAINE LEGISLATURE

LD 1894

LR 2868(02)

## An Act To Correct Errors and Inconsistencies in the Laws of Maine

Fiscal Note for Bill as Amended by Committee Amendment

*A(H-782)*

Committee: Judiciary

Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$3,976,470	\$0	\$0

#### Fiscal Detail and Notes

Includes a one-time \$3,976,470 Other Special Revenue Funds allocation in fiscal year 2018-19 for the Maine Clean Election Fund (MCEF) within the Commission on Governmental Ethics and Election Practices, to correct an error in PL 2017 Chapter 284 Part ZZZZZZ Section 19 that resulted in a negative Other Special Revenue Funds allocation in fiscal year 2018-19. This will allow the commission to expend existing resources in fiscal year 2018-19. Any other fiscal impacts to departments and agencies in the bill are expected to be minor and can be absorbed within existing budgeted resources.