

MAINE STATE LEGISLATURE

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FILED
ROFB

L.D. 1616

Date: 6/30/17

(Filing No. H-556)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1112, L.D. 1616, 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 30, 34, 35, 36, 39, 41, 46, 56, 57, 58, 60 and 61.

Amend the bill by inserting after section 64 the following:

'PART B'

Sec. B-1. 5 MRSA §1742, sub-§26, as corrected by RR 2011, c. 2, §2, is amended to read:

26. Rental income. To credit income from the rental of facilities in Limestone to the Department of Administrative and Financial Services, Bureau of General Services, Other Special Revenue Funds account. These funds must be used for repairs, capital improvements and other costs of managing the facilities operated by the Maine Military Authority in Limestone.

Notwithstanding any other provision of law and except when the Governor in the case of an emergency pursuant to Title 37-B, section 742 or 744 needs money for disaster relief, in which case the Governor may transfer no more than 10% of the balance of the rental income, the department also may recommend that:

A. Part of the rental income collected by the Department of Administrative and Financial Services, Bureau of General Services pursuant to this subsection be transferred to the General Fund as undedicated revenue;

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1 B. Part of the rental income collected by the Department of Administrative and
2 Financial Services, Bureau of General Services pursuant to this subsection be
3 transferred to the Department of Defense, Veterans and Emergency Management,
4 Maine National Guard Education Assistance Pilot Program, Other Special Revenue
5 Funds account for tuition assistance;

6 C. Part of the rental income collected by the Department of Administrative and
7 Financial Services, Bureau of General Services pursuant to this subsection be
8 transferred to the Department of Defense, Veterans and Emergency Management,
9 Maine National Guard Education Assistance Pilot Program, Other Special Revenue
10 Funds account for the reimbursement of the purchase of supplemental life insurance
11 as provided for in the provisions of Title 37-B, section 390-B;

12 D. Beginning July 1, 2007, part of the rental income collected by the Department of
13 Administrative and Financial Services, Bureau of General Services pursuant to this
14 subsection be transferred to the Department of Defense, Veterans and Emergency
15 Management for maintenance and repair of National Guard armories in the State; and

16 E. Part of the rental income collected by the Department of Administrative and
17 Financial Services, Bureau of General Services pursuant to this subsection be
18 transferred to the Department of Defense, Veterans and Emergency Management,
19 Disaster Assistance Relief, Other Special Revenue Funds account for disaster
20 assistance; and

21 **Sec. B-2. 8 MRSA §1037, sub-§2, ¶E**, as enacted by PL 2011, c. 358, §6 and
22 amended by c. 657, Pt. W, §6, is further amended to read:

23 E. The amounts, reported separately, of revenue received in accordance with section
24 1036, subsection 2, paragraphs B and D; and from the Stipend Fund under Title 7,
25 section 86 and ~~from~~ any other source in accordance with rules adopted under section
26 263-A, subsection 1, paragraph C and Title 7, section 82, subsection 5 by the
27 Commissioner of Agriculture, Conservation and Forestry or the State Harness Racing
28 Commission; and

29 **Sec. B-3. 8 MRSA §1037, sub-§3**, as enacted by PL 2011, c. 358, §6 and
30 amended by c. 657, Pt. W, §6, is further amended to read:

31 **3. Agricultural fair that does not conduct harness racing.** The report required by
32 this section must include the following with regard to an agricultural fair:

33 A. The amount spent to pay fair premiums, to make capital improvements to
34 fairground facilities and for labor costs and operating expenses;

35 B. The amounts, reported separately, received from slot machine revenue in
36 accordance with section 1036, subsection 2, paragraph D; and from the Stipend Fund
37 under Title 7, section 86 and ~~from~~ any other source in accordance with rules adopted
38 under section 263-A, subsection 1, paragraph C and Title 7, section 82, subsection 5
39 by the Commissioner of Agriculture, Conservation and Forestry or the State Harness
40 Racing Commission; and

41 C. An estimate of the number of people that attended the agricultural fair, including
42 separate estimates of paid attendance, free-pass attendance, vendor attendance and
43 attendance under a local campground pass.

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1 **Sec. B-4. 30-A MRSA §4722, sub-§1, ¶N**, as enacted by PL 1987, c. 737, Pt. A,
2 §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10,
3 is further amended to read:

4 N. With respect to any bonds ~~which~~ that the Maine State Housing Authority is
5 authorized to issue in accordance with the limitations and restrictions of this chapter,
6 covenant and consent that the interest on the bonds will be includable, under the
7 United States Internal Revenue Code of ~~1954, Title 26, Section 7701(a)(29)~~ 1986, or
8 any subsequent corresponding internal revenue law of the United States, in the gross
9 income of the holders of the bonds to the same extent and in the same manner that the
10 interest on bills, bonds, notes or other obligations of the United States is includable in
11 the gross income of the holders under the United States Internal Revenue Code or any
12 subsequent law. The powers conferred by this paragraph are not subject to any
13 limitations or restrictions of any law ~~which~~ that may limit the Maine State Housing
14 Authority's power to so covenant and consent.

15 (1) Notwithstanding any other provision of this chapter, proceeds of bonds
16 issued under this subsection may be used for persons other than persons of low
17 income.

18 (2) The income on any bonds issued by the Maine State Housing Authority ~~shall~~
19 must be included in gross income under the Maine Income Tax Law if the
20 income on those bonds is includable in the gross income of the holders of the
21 bonds under the United States Internal Revenue Code of ~~1954, Title 26, Section~~
22 ~~7701(a)(29)~~ 1986, or any subsequent corresponding revenue law of the United
23 States;

24 **Sec. B-5. 36 MRSA §191, sub-§2, ¶ZZ**, as repealed and replaced by PL 2015, c.
25 490, §3 and c. 494, Pt. A, §42, is repealed and the following enacted in its place:

26 ZZ. The disclosure by the State Tax Assessor to a qualified Pine Tree Development
27 Zone business that has filed a claim for reimbursement under section 2016 of
28 information related to any insufficiency of the claim, including records of a
29 contractor or subcontractor that assigned the claim for reimbursement to the qualified
30 Pine Tree Development Zone business and records of the vendors of the contractor or
31 subcontractor;

32 **Sec. B-6. 36 MRSA §191, sub-§2, ¶AAA**, as enacted by PL 2015, c. 490, §4
33 and c. 494, Pt. A, §43, is repealed and the following enacted in its place:

34 AAA. The disclosure of information by the State Tax Assessor or the Associate
35 Commissioner for Tax Policy to the Office of Program Evaluation and Government
36 Accountability under Title 3, section 991 for the review and evaluation of tax
37 expenditures pursuant to Title 3, chapter 37;

38 **Sec. B-7. 36 MRSA §653, sub-§1, ¶I**, as amended by PL 1989, c. 501, Pt. Z, is
39 further amended to read:

40 I. No property conveyed to any person for the purpose of obtaining exemption from
41 taxation under this subsection may be so exempt, except property conveyed between
42 ~~husband and wife~~ spouses, and the obtaining of exemption by means of fraudulent
43 conveyance ~~shall~~ must be punished by a fine of not less than \$100 and not more than

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1 2 times the amount of the taxes evaded by the fraudulent conveyance, whichever
2 amount is greater.

3 **Sec. B-8. 36 MRSA §4641-C, sub-§4**, as amended by PL 2005, c. 519, Pt. SSS,
4 §1 and affected by §2, is further amended to read:

5 **4. Deeds between certain family members.** Deeds between ~~husband and wife~~
6 spouses, parent and child or grandparent and grandchild, without actual consideration for
7 the deed, and deeds between spouses in divorce proceedings;

8 **Sec. B-9. PL 1987, c. 735, §73, amending clause** is amended to read:

9 **Sec. 73. P&SL 1865, c. 532, §4, sub-§3**, as enacted by P&SL 1983, c. 33, §1
10 and amended by PL 1985, c. 779, §§90 and 91, is repealed and the following enacted in
11 its place:

12 **Sec. B-10. P&SL 2007, c. 22, Pt. A, §3, sub-§6** is amended to read:

13 6. The district shall maintain its books and records in a manner that creates separate
14 divisions for its water and wastewater operations. These divisions must maintain the
15 assets, liabilities, operating revenues and expenses in a manner that allows the Public
16 Utilities Commission to set rates for the district's water operations. The assets and
17 liabilities of the Augusta Water District must be maintained in the books of the water
18 division of the Greater Augusta ~~Utilities~~ Utility District. The assets and liabilities of the
19 Augusta Sanitary District and Hallowell Water District's wastewater division must be
20 maintained in the books and records of the Greater Augusta Utility District's wastewater
21 division.

22 **PART C**

23 **Sec. C-1. 9-B MRSA §864, sub-§2, ¶B**, as amended by PL 1993, c. 655, §1, is
24 further amended to read:

25 B. The service corporation primarily serves credit unions and the membership of
26 affiliated credit unions. A service corporation formed after July 31, 1994 primarily
27 serves credit unions and the membership of affiliated credit unions within the
28 meaning of this paragraph if at least 75% of the services provided within this State
29 are to credit unions and members of credit unions; except that for a service
30 corporation formed after October 1, 2017, when determining whether a service
31 corporation primarily serves credit unions and the membership of affiliated credit
32 unions within the meaning of this paragraph, the superintendent shall consider the
33 relevant federal laws and regulations in effect at the time of formation of the service
34 corporation.

35 **Sec. C-2. 20-A MRSA §12706, sub-§9**, as amended by PL 2017, c. 179, §5, is
36 further amended to read:

37 **9. Contracts and agreements.** To enter into any contracts, leases and agreements
38 and any other instruments and arrangements that are necessary, incidental or convenient
39 to the performance of its duties and the execution of its powers under this chapter, except
40 that in any such agreement other than an employment agreement ~~that contains~~ the
41 following provisions against the system is are void:

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- 1 A. Any requirement that the system must waive its governmental immunity or
- 2 limited liability;
- 3 B. Any requirement that the system must carry insurance in addition to or in excess
- 4 of its existing insurance;
- 5 C. Any requirement that the system must defend, indemnify or hold harmless any
- 6 other party;
- 7 D. Any requirement that the system must submit to the law of a state other than this
- 8 State;
- 9 E. Any requirement that the system must waive its insurer's rights of subrogation;
- 10 F. Any requirement that the system must pay another party's attorney's fees; and
- 11 G. Any requirement that the agreement is subject to an automatic renewal other than
- 12 month to month;

13 **Sec. C-3. 32 MRSA §18134-A**, as enacted by PL 2015, c. 207, §1, is amended to
14 read:

15 **§18134-A. Exception; bleeding of a residential home heating oil burner**

16 Notwithstanding ~~section 18134, paragraph C~~ section 18102, a home heating oil
17 delivery driver may bleed a residential home heating oil burner without direct supervision
18 if the delivery driver has documentation of having completed a board-approved training
19 course in bleeding oil burners. If the oil burner fails to operate after bleeding, the
20 delivery driver shall refer the problem to a journeyman oil and solid fuel burning
21 technician or master oil and solid fuel burning technician.

22 **Sec. C-4. Effective date.** Those sections of this Part that amend the Maine
23 Revised Statutes, Title 9-B, section 864, subsection 2, paragraph B and Title 20-A,
24 section 12706, subsection 9 take effect 90 days after adjournment of the First Regular
25 Session of the 128th Legislature.'

26 Amend the bill in the emergency clause in the 2nd line (page 19, line 26 in L.D.) by
27 inserting after the following: "when approved" the following: ', except as otherwise
28 indicated'

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

31 **SUMMARY**

32 This amendment designates the contents of the bill as Part A. Sections of the bill
33 containing errors or conflicts that have been resolved by the enactment of other public
34 laws or that are otherwise not needed are deleted from the bill. Sections of the bill
35 containing errors or conflicts that this amendment further amends are moved to the new
36 Part B.

37 The amendment adds Part B, which makes technical corrections, and Part C, which
38 makes corrections that are or could be interpreted as being substantive.

39 Part B of the amendment does the following.

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1 Section 1 corrects a clerical error in the law governing the use of income from the
2 rental of facilities in Limestone.

3 Sections 2 and 3 correct grammatical errors in the reporting requirements concerning
4 agricultural fairs that receive slot machine revenue.

5 Section 4 revises section 34 of the bill, concerning the powers and duties of the
6 Maine State Housing Authority, to remove paragraph O, which is amended in another bill
7 that includes the same corrections.

8 Sections 5 and 6 repeal and replace 2 exceptions from the prohibition on sharing tax
9 information to resolve conflicts created by Public Law 2015, chapter 490 and Public Law
10 2015, chapter 494. Section 5 repeals and replaces the Maine Revised Statutes, Title 36,
11 section 191, subsection 2, paragraph ZZ, which addresses information concerning Pine
12 Tree Development Zones. Section 6 repeals and replaces Title 36, section 191,
13 subsection 2, paragraph AAA, which addresses sharing of information with the Office of
14 Program Evaluation and Government Accountability to facilitate the review of tax
15 expenditures. Section 6 also acknowledges that Public Law 2017, chapter 211 enacts a
16 new subsection 2, paragraph CCC, so there is no longer a need for "and" at the end of
17 paragraph AAA.

18 Sections 7 and 8 change the term "husband and wife" to "spouses" in the tax laws
19 governing property tax exemptions for veterans and the real estate transfer tax.

20 Section 9 amends an amending clause in a public law chapter by adding a reference
21 to a public law chapter that was erroneously omitted and that amended the composition of
22 the Board of Trustees of the University of Maine System.

23 Section 10 amends a clerical error in the name of the Greater Augusta Utility District
24 in the original private and special law.

25 Part C of the amendment does the following.

26 Section 1 corrects a drafting error made in Public Law 2017, chapter 143, and section
27 4 provides that the changes are effective 90 days after the Legislature adjourns, which is
28 the effective date of Public Law 2017, c. 143.

29 Section 2 corrects a drafting error in Public Law 2017, chapter 179 concerning
30 contracts involving the Maine Community College System. This section corrects the
31 provision to provide that a contract that contains one or more of the listed prohibited
32 provisions is not void, as the language in chapter 179 states, but that the provisions are
33 void; the rest of the contract is not affected. Section 4 provides that the changes are
34 effective 90 days after the Legislature adjourns, which is the effective date of Public Law
35 2017, chapter 179.

36 Section 3 amends a statute governing home heating oil delivery drivers to correct a
37 cross-reference to a provision that would otherwise prohibit home heating oil delivery
38 drivers from bleeding a residential home heating oil burner because they lack a license
39 from the Maine Fuel Board. Section 39 of the bill incorrectly addressed this issue.