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Date: (Filing No. H-)

JUDICIARY

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

COMMITTEE AMENDMENT “ ” 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 All party states to this compact that were parties to the prior compact are deemed to have withdrawn from the prior compact within 6 months after the effective date of this compact.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

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.

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

3 A. A candidate may withdraw from an elective race by notifying the municipal clerk
4 in writing of the candidate's intent to withdraw and the reason for withdrawal at least
5 ~~45~~ 60 days before the election. This notice must be signed by the candidate and must
6 be notarized.

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

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

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

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 PL 2017, c. 88, §39** is repealed.

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

19 **ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL**

20 **Governmental Ethics and Election Practices - Commission on 0414**

21 Initiative: Provides a one-time allocation to correct an error in Public Law 2017, chapter
22 284, Part ZZZZZZ, section 19 to align allocations with available resources.

23	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
24	All Other	\$0	\$3,976,470
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$3,976,470
27			

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

30 **SUMMARY**

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

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

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

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

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

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

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

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

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

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

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

22 8. Section 13 provides a new allocation section for the Commission on
23 Governmental Ethics and Election Practices because of an error in Public Law 2017,
24 chapter 284, Part ZZZZZZ, section 19 that resulted in a negative allocation for fiscal year
25 2018-19. Section 13 provides an allocation of \$3,976,470 to result in the correct
26 allocation for fiscal year 2018-19.

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**