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Date: (Filing No. H- )

**JUDICIARY**

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

COMMITTEE AMENDMENT “ ” 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;

**COMMITTEE AMENDMENT**

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.

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

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:

- 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.

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.