

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1028, L.D. 1475, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill in Part A by striking out all of section 6 and inserting the following:

'Sec. A-6. 5 MRSA §18252-A, sub-§1, as amended by PL 2007, c. 490, §2 and c. 491, §192, is repealed and the following enacted in its place:

1. Membership. An employee of a participating local district that does not have Social Security coverage and that has a plan provided by the employer under section 18252-B may elect to be a member under the Participating Local District Retirement Program or to be covered under the plan provided by the employer in accordance with the following.

A. A person hired by a participating local district, or rehired following a break in service, after the date on which the employer provides a plan under section 18252-B must elect at the time of hiring or rehiring whether to be a member under the Participating Local District Retirement Program or to be covered under a plan provided by the employer under section 18252-B.

(1) If the person elects to be a member under the Participating Local District Retirement Program, the election is effective as of the date of hire or rehire.

(a) A person who elects to be a member of the Participating Local District Retirement Program may later elect to be covered under a plan provided by the employer under section 18252-B. The person who so elects may, at that person's discretion, withdraw accumulated contributions in accordance with section 18306-A.

(b) A person who elects under division (a) to be covered under a plan provided by the employer under section 18252-B may later elect to again become a member under the Participating Local District Retirement Program, unless to so elect would have the effect of requiring the employer, without the employer's agreement, to make an employer contribution to both that program and the plan provided by the employer under section 18252-B.

1 This amendment amends Part A, section 13 to include the correct citation to federal
2 law codified in the United States Code.

3 This amendment amends Part A, section 18 to clarify a reference to a council
4 consisting of landscape architectural registration boards.

5 This amendment deletes from the bill Part A, sections 7, 15 and 23 to retain the use of
6 the term "fax."

7 This amendment deletes Part A, sections 21 and sections 28 to 38 because the
8 provisions of law included in those sections are included in other legislation.

9 The amendment replaces Part B of the bill because the provisions of law included in
10 Part B are included in other pieces of legislation. This amendment adds a new Part B that
11 does the following.

12 It repeals the statutory language establishing the District Court Building Fund. Public
13 Law 1993, chapter 410 transferred the balance of the account and attempted to repeal the
14 account.

15 It corrects cross-references to the law authorizing the establishment of housing
16 authorities by the Passamaquoddy Tribe and the Penobscot Nation.

17 It revises the exemption from the bonding requirement for conservators in the Probate
18 Code to correctly cross-reference financial institutions authorized to do business in this
19 State.

20 Public Law 2007, chapter 668 amended the Maine Revised Statutes, Title 20-A,
21 section 1486, subsection 3, paragraph F to delete the limitation that a school budget may
22 not exceed the maximum target for the referendum question in paragraph F to apply. It
23 repealed Title 20-A, section 1486, subsection 3, paragraph G, which provided a
24 referendum question if the school budget does exceed the maximum target. Public Law
25 2007, chapter 695 amended Title 20-A, section 1486, subsection 3, paragraphs F and G to
26 make the referendum questions' language generic with regard to school units as opposed
27 to "regional school units."

28 The amendment repeals and replaces Title 20-A, section 1486, subsection 3,
29 paragraph F as amended by both public laws and incorporates language changes from
30 both. Public Law 2007, chapter 695 clarified language that is no longer necessary given
31 the changes to Title 20-A, section 1486, subsection 3, paragraph F and Title 20-A, section
32 1486, subsection 3, paragraph G is repealed consistent with Public Law 2007, chapter
33 668.

34 It corrects a cross-reference to the establishment of tribal housing authorities in Title
35 5. It also corrects the placement of the cross-reference to accurately refer to the tribal
36 housing authorities currently included in the Title 5 listing.

37 Part C of the amendment does the following.

38 It corrects drafting errors in L.D. 180, enacted as Public Law 2009, chapter 54. One
39 error inadvertently repealed that portion of Title 29-A, section 2558, subsection 2,
40 paragraph B that enhances the penalty for aggravated operating after habitual offender
41 revocation if the driver had been once previously convicted of the same offense. Without
42 this amendment, a 2nd offender may be prosecuted only for a Class D crime.