

MAINE STATE LEGISLATURE

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**STATE OF MAINE
116TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS**

JULY 1993

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Sen. James R. Handy
Sen. Stephen E. Hall*

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

CARRIED OVER

ONTP

ENACTMENT FAILED

INDEF PP

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Bill carried over to Second Session

Ought Not to Pass report accepted

Bill failed to get majority vote

Bill Indefinitely Postponed

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference formed but unable to agree

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

This bill differs from other operating-under-the-influence laws primarily in 2 ways. First, the excessive blood-alcohol level for operators of aircrafts is set at 0.04% or more by weight of alcohol in the blood to be consistent with regulations of the Federal Aviation Administration. Secondly, under the Maine Revised Statutes, Title 6, section 205, subsection 10, paragraph C as enacted in this bill, results of any chemical test given to an operator of an aircraft or the refusal by an operator of an aircraft to submit to a chemical test must be reported to the Federal Aviation Administration.

Committee Amendment "A" (H-400) adds a fiscal note to the bill.

Senate Amendment "A" (S-222) corrects a technical error.

LD 1451

**An Act to Restrict Private Political Campaign Contributions
in State Elections**

**DIED BETWEEN
BODIES**

SPONSOR(S)

RICHARDSON
HANDY
CARLETON

COMMITTEE REPORT

ONTP MAJ
OTP-AM MIN

AMENDMENTS ADOPTED

SUMMARY

This bill would have amended existing campaign and election practices as follows.

1. The Commission of Governmental Ethics and Election Practices would have been replaced by the Maine Elections and Ethics Commission, an independent 7-member commission appointed by the Chief Justice of the Supreme Judicial Court with the concurrence of a 2/3 majority vote of each House of the Legislature.
2. A new fund would have been established, the Maine Democracy Fund, to finance election campaigns for the offices of Governor, State Senator and State Representative.
3. The Maine Democracy Fund would have received money from the following sources: a \$4 Maine taxpayer filing fee; a voluntary nonfiler fee of \$4; increased lobbyist registration fees; and candidate filing fees including the personal check of the candidate and a specified number of support checks of \$5 for candidates for State Senator or State Representative and \$10 for candidates for Governor.
4. Candidates who chose to participate in the fund would have been required to obtain an increased number of signatures for their nominations. Those candidates would have received State of Maine debit cards to be used for all campaign expenditures; the cards would have drawn down amounts credited to each candidate's account in the Maine Democracy Fund as specified by the law for each office.
5. Candidates who chose not to participate in the fund would have generally followed existing filing and reporting requirements except that the bill specified a new schedule requiring their more frequent filing of campaign finance reports.
6. If candidates who chose not to participate in the Maine Democracy Fund exceeded the spending limit set for participating candidates, a participating opponent would have received funds on a dollar-for-dollar match with the nonparticipating candidate's expenditures, but the participating opponent's expenditures would have been capped at 3 times the original amount credited to a participating candidate under the bill.

7. The bill would have placed strict limits on in-kind contributions and soft money expenditures for participating candidates.
8. The bill would have required the Maine Elections and Ethics Commission to provide recommendations for additional provisions concerning audits, accountability and sanctions to be presented to the Legislature for adoption or disapproval.

Committee Amendment "A" (H-587), part of the minority committee report, would have made the following changes.

1. The amendment would have changed the selection process of the Commission on Governmental Ethics and Elections Practices and renamed the commission the Maine Elections and Ethics Commission.
2. The amendment would have required that a candidate for Governor obtain at least 7,500 and not more than 10,000 voter signatures and pay a \$2,000 filing fee to participate in the fund. The amendment would have required that a candidate for State Senator obtain at least 400 and not more than 600 voter signatures and pay a \$250 filing fee to participate in the fund. The amendment would have required that a candidate for State Representative obtain at least 200 and not more than 300 voter signatures and pay a filing fee of \$125 to participate in the fund. Unenrolled candidates would have had to obtain double the amount of signatures and pay the same filing fee as above.
3. The amendment set forth requirements special election candidates would have had to follow in to participate in the fund.
4. The amendment would have clarified reporting requirements for those candidates not participating in the fund.
5. The amendment would have required the State Tax Assessor to transfer the \$4 fee paid by each taxpayer to the fund.
6. The amendment would have set limits on the amount of fund money distributed to unopposed candidates in postprimary elections.
7. The amendment also would have made technical changes and added a fiscal note to the bill.

LD 1452 An Act Concerning the Subject Matter of Referenda

ONTP

SPONSOR(S)
BEGLEY

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have amended the laws governing initiative petitions to require that the voters be presented with a separate question for each policy objective that a proposed initiative addresses. The Secretary of State would have been given the duty of reviewing all initiative petitions to determine if there were multiple policy objectives, and, if so, ensure that a separate question was presented for each policy objective.