

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AND VETERANS' AFFAIRS**

**JULY 1997**

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**Maine State Legislature**

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**ONE HUNDRED EIGHTEENTH LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees  
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*

Offices Located in the State House, Rooms 101/107/135

Allows a candidate for presidential elector to file for one additional federal, state or county office at the same election;

Streamlines the process for identifying replacement candidates in the event of a vacancy.

Allows political parties to determine who may participate in the party's presidential preference primary;

Allows a handicapped voter whose voting place is not handicap accessible to vote either by absentee ballot in the clerk's office or other location that has been designated handicapped accessible or to vote by regular ballot at the central voting place if the municipality uses a central voting place;

Adds a reason for a voter's ballot to be challenged if the voter was provided with the wrong ballot for that voter's electoral district;

Clarifies the requirement to keep a list of challenged voters that can be made available for public inspection after the polls close;

Increases the threshold that a write-in candidate must receive in order to be listed on the election tabulation by name, rather than as "other" from 1% to 5% of the vote;

Allows any voter to cast an absentee ballot in any election;

Allows the voter or the voter's immediate family to submit an absentee ballot application or written request by facsimile;

Clarifies the restrictions on political activities within 250 feet of the clerk's office during the time that absentee voting is occurring, so that it is consistent with the restrictions around the polling place on election day;

Allows a voter who receives an absentee ballot by mail to return the ballot by mail or in person; and

In a municipality that processes absentee ballots before the polls close on election day, allows candidates or their representatives, upon prior notification, to inspect the applications and envelopes of absentee ballots which have not yet been processed for 30 minutes after the declared processing time.

**LD 1756**

**An Act Regarding the Economic Security and Safety of Harness Horsepersons**

**PUBLIC 474**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE FERGUSON	OTP-AM MAJ ONTP MIN	H-683 TUTTLE H-706 TUTTLE

LD 1756 proposed several changes to the laws governing harness racing. It required the Harness Racing Commission to adopt rules establishing an exclusive bargaining agent for harness horsepersons at each racing venue in the State. It also required each racetrack licensee to establish an account to hold purse money in trust for the benefit of harness horsepersons. All funds used to pay purses under current law must be deposited in the trust account. In addition, the bill required each live-racing licensee to deposit in the trust account an additional sum of

money to be used for purses. One and one-half percent of the account must be paid to the exclusive bargaining agent.

The bill would require an applicant for a racetrack license to disclose the name and address of each person with control or with a legal or equitable interest in the applicant or any entity that owns or controls the applicant. These persons must also meet the same standards of integrity and financial responsibility as the applicant.

The bill required the Harness Racing Commission to treat simulcasting at a racetrack the same as simulcasting at an off-track betting parlor during the time the racetrack is not conducting live racing.

The bill amended the definition of "commercial racetrack" to include tracks that conduct live racing on the required number of days in any calendar year instead of in the previous two calendar years.

The bill allowed the commission to issue licenses with conditions.

The bill repealed the provision of law that requires every commercial racetrack to be given all the race dates it requests if it raced on those dates in the preceding year.

**Committee Amendment "A" (H-563)**, which was not adopted, would have changed the percent payable for purses. The amendment would also have simplified the process for certifying the exclusive bargaining agent and clarified that the permitted use of trust funds included reimbursement of purse account over payments.

**House Amendment "A" (H-683)** proposed to:

1. Establish a Trust Account for the horsepersons who race at each facility;
2. Preserve the two-year waiting period before new tracks can qualify as commercial tracks, but creates an exception in the event that an existing commercial track closes;
3. Provide that licenses to operate race tracks and simulcasting facilities and the assignment of race dates are for two-year periods, so that those licenses will be coextensive with the two-year term for the certification of bargaining agents to represent licensed harness horse owners, trainers and drivers;
4. Amend the provisions relating to the trust accounts to allow for tracks to borrow from those accounts; and
5. Amend the provisions relating to the election of bargaining agents to provide for separate biannual elections with respect to each of three separate racing segments within the harness racing industry.

**House Amendment "A" to House Amendment "A" (H-706)** proposed to clarify language to make it consistent with language in other sections of the legislation and corrected a typographical error.

#### *Enacted law summary*

Public Law 1997, chapter 474 makes a number of changes to the harness racing industry including:

1. Establishes a Trust Account for the horsepersons who race at each facility;
2. Preserves the two-year waiting period before new tracks can qualify as commercial tracks, but creates an exception in the event that an existing commercial track closes;

3. Provides that licenses to operate race tracks and simulcasting facilities and the assignment of race dates are for two-year periods, so that those licenses will be coextensive with the two-year term for the certification of bargaining agents to represent licensed harness horse owners, trainers and drivers;
4. Amends the provisions relating to the trust accounts to allow for tracks to borrow from those accounts; and
5. Amends the provisions relating to the election of bargaining agents to provide for separate biannual elections with respect to each of three separate racing segments within the harness racing industry.

**LD 1773                      Resolve, Directing the Maine State Housing Authority to                      ONTP**  
**Recommend Certain Safety Standards**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT KANE	ONTP	

LD 1773 proposed to require the Maine State Housing Authority to recommend standards for security systems in housing projects for elderly persons and window safety to protect against persons falling from upper floors.

**LD 1781                      An Act to Create the Maine Scholarship Lottery Game                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	ONTP      MAJ OTP-AM    MIN	

LD 1781 proposed to create a scholarship lottery game developed by the State Liquor and Lottery Commission. Proceeds from the game would have been used to provide funding for Maine Student Incentive Scholarship Program, administered by the Finance Authority of Maine, to provide grants for post-secondary education to students demonstrating financial need.

**LD 1799                      An Act to Privatize Liquor Sales                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR AMERO		

LD 1799 proposes to remove the State from the liquor business, including both retail and wholesale sales. The current system for the sale of liquor would be replaced by a system currently used for the sale and distribution of beer and wine. A flat tax of \$3.50 per gallon would be assessed on all spirits, in addition to premium and sales