

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

August 2001

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**120th Legislature
First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees
August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 considered by the committees. It is organized 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).

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*
NOT PROPERLY BEFORE THE BODY..... *Ruled out of order by the presiding officers; bill died*
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 **September 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Legal and Veterans' Affairs

LD 1055

An Act to Regulate Push Polling

PUBLIC 416

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	ONTP MAJ OTP MIN	H-708 TRAHAN

LD 1055 proposed to define "push poll" and require anyone conducting push polling by telephone to disclose who financed the poll and, if the poll is authorized by a candidate, that candidate's name and the office sought by the candidate. As proposed this bill would make a violation of this provision a Class E crime.

House Amendment "A" (H-529), which was not adopted, proposed to specify the minimum number of telephone surveys, depending on the office being sought, that constitutes a "push poll."

House Amendment "B" (H-543), which was not adopted, proposed to change the bill to a resolve and require the Commission on Governmental Ethics and Election Practices to review the disclosure laws under the Maine Revised Statutes, Title 21-A and submit a proposal to include disclosure requirements for push polling to the Second Regular Session of the 120th Legislature.

House Amendment "C" (H-544), which was not adopted, proposed to amend the definition of "push poll." The amendment also proposed to change the disclosure requirements of a person conducting a push poll.

House Amendment "D" (H-545), which was not adopted, proposed to replace the definition of "push poll" provided in the bill. Under this amendment, a "push poll" would be a nonscientific sampling designed to provide information that is negative or derogatory about a candidate or a candidate's family.

House Amendment "E" (H-575), which was not adopted, proposed to amend the definition of "push poll" to apply only to series of contracted telephone calls that are commenced within 17 days prior to an election. This amendment also proposed to specify the number of telephone calls that must be placed in order to come under the definition of "push polling."

House Amendment "F" (H-641), which was not adopted, proposed to change the bill to a resolve and requires the Commission on Governmental Ethics and Election Practices to review the disclosure laws under the Maine Revised Statutes, Title 21-A and submit a proposal to include disclosure requirements for push polling to the Joint Standing Committee on Legal and Veterans Affairs, which would have authority to report out legislation to the Second Regular Session of the 120th Legislature.

House Amendment "G" (H-708) replaced the bill. The amendment defines push polling as a nonscientific survey that, among other requirements, prefaces a question regarding support for a candidate on the basis of an untrue statement and is done primarily for the purpose of suppressing or changing the voting position of the call recipient. The amendment allows a person to conduct push polling as long as the person identifies the person sponsoring the call and states that the call is a paid political advertisement. The amendment requires the person conducting the poll to designate an agent for the purpose of service of process, notice or demand and to register that agent with the Commission on Governmental Ethics and Election Practices and provides a civil forfeiture of up to \$500 for a violation of these provisions.

Joint Standing Committee on Legal and Veterans' Affairs

Enacted law summary

Public Law 2001, chapter 416 defines "push poll" and requires anyone who conducts a push poll to register with the Commission on Governmental Ethics and Elections Practices and disclose who has sponsored the push poll and the entity conducting it. An entity already lawfully registered to conduct business in the state is not required to register with the commission but is required to disclose a valid, current, publicly listed telephone number and address of the person sponsoring or authorizing the call. An entity that fails to comply with either the disclosure or registration requirements of this law may be assessed a forfeiture of \$500 by the Commission on Governmental Ethics and Election Practices.

LD 1058 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons while in Prison** **DIED BETWEEN BODIES**

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

LD 1058 proposed an amendment to the Constitution of Maine that would have revoked the right of a person convicted of murder or a Class A, B or C crime to vote while that felon is imprisoned.

LD 1076 **Resolve, Authorizing Arnold Smith to Sue the State** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP-AM MAJ ONTP MIN	

LD 1076 proposed to authorize Arthur Smith as personal representative of the estate of Kristen Smith to sue the State for damages resulting from the murder of Kristen Smith by an individual under the supervision of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections. The resolve would have allowed the State to be sued for up to \$200,000.

Committee Amendment "A" (H-388) was the majority report of the committee. The amendment proposed to remove the Department of Mental Health, Mental Retardation and Substance Abuse Services as a party to the lawsuit and prohibit any recovery of punitive damages. The amendment also proposed to clarify how the amount of any recovery would be distributed and would have required that the action be heard by a Justice of the Superior Court. The amendment also would have added a fiscal note to the resolve.

Committee Amendment "A" was adopted in the House, but was not adopted in the Senate. The resolve died between the bodies.