

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*August 2005*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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LD 882 was a concept draft pursuant to Joint Rule 208. It proposed to clarify when expenditures need to be reported and improve the enforcement power of the Commission on Governmental Ethics and Election Practices in order to ensure fair and timely distribution of matching funds under the Maine Clean Election Act.

**LD 914**                      **An Act To Prohibit Campaign Expenditures except during an Established Campaign Season**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CLARK             | ONTP                    |                           |

LD 914 proposed to establish a general election campaign period and prohibits advertising expenditures by candidates for Governor, United States Senate, United States House of Representatives, State Senate and State House of Representatives and political committees and political action committees for communications advocating the election or defeat in the general election of a clearly identified candidate except during that period. This bill did not propose to prohibit advertising expenditures for primary or special elections.

**LD 929**                      **An Act To Create Freedom of Citizen Information Regarding Ballot Questions**                      **PUBLIC 356**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| FAIRCLOTH<br>GAGNON | OTP-AM                  | H-412<br>H-503 PATRICK    |

LD 929 proposed to do the following:

1. It would require the Secretary of State in conjunction with the Revisor of Statutes to draft a proposed ballot question summary for proposed direct initiative legislation and to post the summary on the Internet;
2. It would require that the proposed ballot question summary contain prescribed language informing the voter of the costs of ballot questions and that the petition circulator must offer the voter the opportunity to read and keep a copy of the summary before signing the petition;
3. It would require that the petition contain a header stating that each voter has a right to read the proposed ballot question summary before signing the petition;
4. It would require that the petition be divided into 2 columns for signatures to identify voters who read the proposed ballot question summary and signed the petition and those who did not read the summary but still signed the petition;
5. It would require the petition circulator to certify that all voters were given the opportunity to read the proposed ballot question summary before signing the petition and makes the falsification of such certification a crime;
6. It would require a person that is circulating a petition within 250 feet of a polling place to post a sign that reads "Not a Polling Place";

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7. It would require a person who is paid to circulate a petition to wear a button stating that that person is being paid to circulate a petition and requires the person to disclose who is paying for the services upon the request of a voter;
8. It would require that financial reports be filed during the signature-gathering phase of a direct initiative campaign;
9. It would reduce the threshold for reporting financial reports from \$1,500 to \$250 for all political action committees and for persons not defined as political action committees; and
10. It would require political action committees and persons not defined as political action committees to file financial reports both electronically and in hard copy if more than \$10,000 is raised or spent.

**Committee Amendment "A" (H-412)** proposed to retain the provisions of the bill that require circulators of direct initiative petitions to provide registered voters the opportunity to read the summary of the proposed direct initiative prior to signing the petition and that require the petition to include certain statements informing potential signers that they must be afforded the opportunity to read the summary and of the costs of placing questions on a ballot.

This amendment proposed to remove all other provisions of the bill.

**House Amendment "A" to Committee Amendment "A" (H-503)** proposed to clarify that the placement of the summary of the proposed initiative is to be immediately following the required statements at the top of the petition.

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### ***Enacted law summary***

Public Law 2005, chapter 356 requires circulators of direct initiative petitions to provide registered voters the opportunity to read the summary of the proposed direct initiative prior to signing the petition. It requires that the petition include certain statements informing potential signers that they must be afforded the opportunity to read the summary and of the costs of placing questions on a ballot. Chapter 356 provides that the placement of the summary of the proposed initiative is to be immediately following the required statements at the top of the petition.

**LD 939                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP**  
**Maine To Preserve the Integrity of the Citizen-initiated Petition**  
**Process**

|                                       |                                 |                           |
|---------------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>BOWLES<br>WESTON | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|---------------------------------------|---------------------------------|---------------------------|

LD 939 proposed amending the Constitution of Maine to require that citizen initiatives that require state expenditures include either a new revenue source to fund the expenditure or identify reductions in existing state programs sufficient to offset the new expenditure.

**LD 944                      An Act Regarding Independent Campaign Expenditures                      ONTP**

|                           |                                 |                           |
|---------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>MAYO | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|---------------------------|---------------------------------|---------------------------|

LD 944 proposed to require that independent expenditures made during the 10 days preceding an election in races involving a Maine Clean Election Act candidate be reported to the Commission on Governmental Ethics and Election Practices 48 hours before the expenditure is actually made.

**LD 945                      An Act To Allow the Counting of Absentee Ballots prior to                      ONTP**  
**Election Day**

|                           |                                 |                           |
|---------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>MAYO | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|---------------------------|---------------------------------|---------------------------|

LD 945 proposed to permit a municipality to process ballots up to 2 business days prior to election day.