

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

August 2005

Members:

*Sen. Kenneth T. Gagnon, Chair
Sen. Elizabeth H. Mitchell
Sen. Debra D. Plowman*

*Rep. John L. Patrick, Chair
Rep. John L. Tuttle, Jr.
Rep. Charles D. Fisher
Rep. Patricia A. Blanchette
Rep. Linda M. Valentino
Rep. Randy E. Hotham
Rep. Richard B. Brown
Rep. Gary W. Moore
Rep. David N. Ott*

*Rep. Wright H. Pinkham, Sr.
Rep. Frederick J. Moore, III*

Staff:

*Danielle D. Fox, Legislative Analyst
Curtis Bentley, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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.

Joint Standing Committee on Legal and Veterans' Affairs

Committee Amendment "A" (H-453) proposed to provide that the Secretary of State is not required to ensure that a paper audit trail function is included on voting machines purchased for disabled access in compliance with the federal Help America Vote Act of 2002 if the machines are determined inadequate to meet all the requirements for voting machines provided in current law.

Committee Amendment "B" (H-454) incorporated a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-508) proposed to clarify that except for accessible voting equipment that must be provided by 2006 in compliance with the federal Help America Vote Act of 2002, voting machines must include a paper audit trail function.

Enacted law summary

Current law requires the Secretary of State to provide voting machines equipped for individuals with disabilities, such as direct recording electronic voting machines. These machines are exempt from the requirement placed on other voting machines that they produce a paper record that allows a voter to verify a vote before it is cast.

Public Law 2005, chapter 445 removes that exemption, but provides that the Secretary of State is not required to ensure that a paper audit trail function is included on voting machines purchased for disabled access in compliance with the federal Help America Vote Act of 2002 if the machines are determined inadequate to meet all the requirements for voting machines provided in current law. Chapter 445 also clarifies that except for accessible voting equipment that must be provided by 2006 in compliance with the federal Help America Vote Act of 2002, voting machines must include a paper audit trail function.

LD 1033

An Act To Implement Fusion Voting in Maine

ONTP

Sponsor(s)
PINGREE
DAMON

Committee Report
ONTP

Amendments Adopted

LD 1033 proposed a voting system utilizing cross-endorsement, which is the practice of multiple parties or political designations nominating the same candidate. It proposed to eliminate the current rules requiring enrollment in a political party in order to be a candidate for that party's nomination. It also proposed to require the Secretary of State to list on the ballot a candidate nominated by multiple parties or political designations once for each party or political designation. The bill would also prevent overvotes, when a voter marks the same candidate's name multiple times, from invalidating the vote.

LD 1075

An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees

PUBLIC 193

Sponsor(s)
SAVIELLO
COWGER

Committee Report
OTP-AM

Amendments Adopted
H-313

Joint Standing Committee on Legal and Veterans' Affairs

LD 1075 proposed to expand the items that may be sold by persons licensed to sell malt liquor and wine to include glasses, china and devices designed to open containers of wine and beer.

Committee Amendment "A" (H-313) proposed to make technical changes to the bill.

Enacted law summary

Public Law 2005, chapter 193 expands the items that may be sold by persons licensed to sell malt liquor and wine to include glasses, china and devices designed to open containers of wine and beer.

LD 1085 **An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol** **PUBLIC 437**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|----------------------------------|
| JACKSON | OTP-AM MAJ | H-455 |
| MARTIN | OTP-AM MIN | H-485 RINES S-394 ROTUNDO |

LD 1085 proposed to require all retail liquor licensees to display a sign in a conspicuous location at the licensed premises informing customers of the prohibition of the purchase of liquor by or the sale of liquor to minors or visibly intoxicated persons, and require the Commissioner of Public Safety to create the sign and distribute it to all retail liquor licensees.

Committee Amendment "A" (H-455) was the majority report and proposed to remove the posting requirements for on-premises licensees and make a violation of the posting requirements a civil violation with a fine of not less than \$50 or more than \$200 for any one offense. The amendment would also add an appropriations and allocations section.

Committee Amendment "B" (H-456) was the minority report and would require the Commissioner of Public Safety to provide signs to specified licensees free of charge. This amendment would also add an appropriations and allocations section.

House Amendment "A" to Committee Amendment "A" (H-485) was presented on behalf of the Committee on Bills in the Second Reading and would make changes consistent with the changes made for section 1.

Senate Amendment "A" to Committee Amendment "A" (S-394) proposed to direct the Department of Public Safety to absorb the cost of printing and distributing the signs.

Enacted law summary

Public Law 2005, chapter 437 requires all off premises retail liquor licensees to display a sign in a conspicuous location at the licensed premises informing customers of the prohibition of the purchase of liquor by or the sale of liquor to minors or visibly intoxicated persons, and requires the Commissioner of Public Safety to create the sign and distribute it to all off premises retail liquor licensees.

A violation of the posting requirements is a civil violation with a fine of not less than \$50 or more than \$200 for any one offense.