

# 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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259 also provides an exemption to the prohibitions regarding vaporized alcohol and alcohol vaporizing devices for medical and scientific research.

**LD 1169**

### An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK BRYANT B	ONTP	

LD 1169 proposed to allow operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under the Internal Revenue Code, Section 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections would be able to apply for an initial license while they seek the required federal tax status. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

As proposed by this bill, video gaming terminals operated by organizations licensed under this bill would be required to be owned or leased by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. Video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals and would also be required for renewal of a license to operate video gaming terminals, and municipal decisions would be subject to appeal to the Chief of the State Police in accordance with the Maine Administrative Procedure Act.

The license would specify the number of video gaming terminals allowed on the premises, and the maximum number of terminals allowed would be 5 per licensee. Terminals would be licensed by the Chief of the State Police and must be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a 5-year phase-in period, this computer system would provide continuous on-line monitoring of video gaming terminal activity. Persons under 21 years of age would not be allowed to use the machines. The bill proposed to specify that if an organization's liquor license is suspended, the license to operate video gaming terminals would also be suspended until the liquor license is reinstated. Only members of the organization and their guests would be allowed to play. The maximum dollar amount for each play would be \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, would be divided among the State, the municipalities, a compulsive gambling fund for prevention and treatment of compulsive gambling and the charitable organization. The bill proposed to provide that 2% of the net terminal income go to the Compulsive Gambler Rehabilitation Fund and 65% to the licensee. The bill proposed to provide that 23% of the net terminal income goes to the State for payment into the Video Gaming Fund for administrative expenses not to exceed 10%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the municipalities.

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that host the organizations that operate video gaming terminals. Host municipalities would receive their share in proportion to the amount of revenue generated by video gaming terminals in their municipality. As proposed, licenses would be issued for one year. The license fee per terminal would be \$500, and for wholesalers, manufacturers and operators, the fee would be \$3,500. Applicants for an initial license would pay the actual costs of processing the application and performing the background investigation.

The bill would also specify that any rules put forth by the Bureau of Alcoholic Beverages and Lottery Operations and the Chief of the State Police to administer and enforce the laws related to video gaming by nonprofits would be major substantive rules.

**LD 1171**                      **An Act To Amend the Clean Election Law Regarding Disclaimers on Advertising**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN PERCY	ONTP	

LD 1171 proposed requiring a candidate who is a Maine Clean Election Act candidate to have a disclaimer on communications that state that the communication was paid for by the citizens of the State and authorized by the candidate.

**LD 1173**                      **Resolve, Directing the Secretary of State To Design a Pilot Program for Early Voting**                      **RESOLVE 70**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND MOORE G	OTP-AM	S-225

LD 1173 proposed directing the Secretary of State to design a process for early voting that would allow municipalities to permit early voting at a polling place up to 2 weeks prior to election day. The design would be submitted in a report to the Joint Standing Committee on Legal and Veterans Affairs.

**Committee Amendment "A" (S-225)** proposed to replace the bill. It would require the Secretary of State to design a pilot program for early voting for the November 2008 election. The Secretary of State would be required to select one volunteer municipality, and may select others, for the pilot program for early voting. The Secretary of State would be required to present its plan for the early voting pilot program to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs by February 15, 2007. The amendment proposed authorizing the committee to submit legislation to authorize the Secretary of State to conduct the early voting pilot program at the November 2008 general election.

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

Resolve 2005, chapter 70 requires the Secretary of State to design a pilot program for early voting for the November 2008 election. The Secretary of State is required to select one volunteer municipality, and may select others, for the pilot program for early voting. The Secretary of State must present its plan for the early voting