

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.

Joint Standing Committee on Legal and Veterans' Affairs

LD 1260

An Act To Establish Daily Loss Limits Relating to Slot Machines and Certain Games of Chance

ONTP

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

LD 1260 proposed a daily loss limit of \$300 per person per 24-hour period for slot machines and other mechanical devices used for playing games of chance operated in this State.

LD 1266

An Act Regarding Distribution of Information from the Central Voter Registration System

PUBLIC 404

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS PINGREE	OTP-AM	H-677 PATRICK S-340 S-352 GAGNON

LD 1266 proposed the following:

1. To require the voting registrar of a municipality to allow for election day registration at every voting place;
2. To require that municipalities provide election training biennially using materials provided by the Secretary of State to all election officials and require all newly hired election officials to receive the training before working an election;
3. To require the training of poll workers before the poll workers may work at the polls;
4. Changing the law that allows municipalities with a population of less than 4,000 to open their polls no later than 10 a.m. instead of 9 a.m. to only municipalities with populations of less than 500;
5. Allowing registered voters to request ongoing absentee ballot status in which they would automatically receive absentee ballots without having to request one for each election; and
6. To direct the Secretary of State to ensure that additional ballots are available for voting places and to study the problems with the availability of ballots and absentee ballots at voting places over the last 4 statewide and general elections and to report back to the Legislature with findings and any recommended legislation.

Committee Amendment "A" (S-340) proposed to replace the bill and establish which information is available for public access from the central voter registration system. The central voter registration system is a database operated by the Secretary of State with cooperation from municipalities that contains all voter records. There would be a repeal date of September 30, 2007 on the provisions of the use and distribution of central voter registration information. This amendment would require the Secretary of State to issue a report to the joint standing committee of the Legislature having jurisdiction over voter registration matters by March 15, 2007 regarding public access to information contained in the central voter registration system, taking into consideration the impact on voter participation, the opportunity for voter fraud and the potential disenfranchisement of voters.

House Amendment "A" to Committee Amendment "A" (H-677) proposed to clarify that the list created by a municipal clerk or registrar of persons who requested or were furnished absentee ballots must be made available

Joint Standing Committee on Legal and Veterans' Affairs

to any person who requests the list upon payment of the fees set forth in the Maine Revised Statutes, Title 21-A, section 196, subsection 4.

Senate Amendment "A" to Committee Amendment "A" (S-344) proposed to clarify that the list created by a municipal clerk or registrar of persons who requested or were furnished absentee ballots must be made available to any person who requests the list upon payment of the fees set forth in the Maine Revised Statutes, Title 21-A, section 196, subsection 4.

Senate Amendment "B" to Committee Amendment "A" (S-352) proposed implementing the recommendations of the advisory committee to the Secretary of State, established pursuant to Resolve 2005, chapter 19, in response to the requirement in Section 301 of the federal Help America Vote Act of 2002 that each state establish uniform, nondiscriminatory standards for determining voter intent. It would reorganize the statutory provisions pertaining to distinguishing marks on ballots and incorporates the changes into the definition of "distinguishing mark" in the Maine Revised Statutes, Title 21-A, section 1. The amendment would also amend the law pertaining to the counting of votes for write-in candidates. Finally, it would require the Secretary of State to publish guidelines for determining voter intent that incorporate the legal standards articulated in relevant court decisions and in statute. This document is intended to be used as a reference guide by election officials and by parties to election recounts.

Enacted law summary

Public Law 2005, chapter 404 establishes which information is available for public access from the central voter registration system. The central voter registration system is a database operated by the Secretary of State with cooperation from municipalities that contains all voter records. There is a repeal date of September 30, 2007 on the provisions regarding the use and distribution of central voter registration information. This law requires the Secretary of State to issue a report to the joint standing committee of the Legislature having jurisdiction over voter registration matters by March 15, 2007 regarding public access to information contained in the central voter registration system, taking into consideration the impact on voter participation, the opportunity for voter fraud and the potential disenfranchisement of voters.

Chapter 404 clarifies that the list created by a municipal clerk or registrar of persons who requested or were furnished absentee ballots must be made available to any person who requests the list upon payment of the fees set forth in the Maine Revised Statutes, Title 21-A, section 196, subsection 4.

Finally, chapter 404 implements the recommendations of the advisory committee to the Secretary of State, established pursuant to Resolve 2005, chapter 19, in response to the requirement in Section 301 of the federal Help America Vote Act of 2002 that each state establish uniform, nondiscriminatory standards for determining voter intent. It reorganizes the statutory provisions pertaining to distinguishing marks on ballots and incorporates the changes into the definition of "distinguishing mark" in the Maine Revised Statutes, Title 21-A, section 1. This law also amends the law pertaining to the counting of votes for write-in candidates. Finally, it requires the Secretary of State to publish guidelines for determining voter intent that incorporate the legal standards articulated in relevant court decisions and in statute. This document is intended to be used as a reference guide by election officials and by parties to election recounts.

LD 1266 as amended by the Legal and Veterans' Affairs Committee was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434 which requires review and evaluation of new exceptions to laws governing public records.