

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LEGAL AND
VETERANS' AFFAIRS**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

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 (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Legal and Veterans Affairs

This resolve establishes the Commission To Improve Certain Aspects of the Citizen Initiative Process. The duties of the commission would be to gather data and information to improve the citizen initiative process. The resolve states that the goal of the study is to make information more comprehensive and accessible to citizens, paying particular attention to senior citizens, and to clarify how initiative questions are presented on the ballot.

LD 700 An Act To Limit Expenditures by Political Action Committees

ONTP

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

This bill amends existing law that places limits on contributions made by political action committees in support of the election of a candidate by proposing language to include contributions made against the election of a candidate.

**LD 701 An Act To Authorize the Operation of Slot Machines on Indian Island
in Old Town**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORING SCHNEIDER		H-572

This bill allows the Penobscot Nation to operate 400 of the 1,500 slot machines authorized pursuant to law on Indian Island in Old Town. These machines are subject to regulation by the Gambling Control Board. One percent of gross slot machine income must be distributed to the Treasurer of State for deposit in the General Fund. The Penobscot Nation retains the net slot machine income.

Committee Amendment "A" (H-572)

This amendment replaces the bill. The amendment allows for 400 slot machines, to be operated by a federally recognized Indian tribe that is licensed to conduct high-stakes beano as of January 1, 2007. The license would be subject to existing licensing requirements and oversight by the Gambling Control Board. The initial license fee for the slot machine license established by this amendment, based on the maximum of 400 machines, is \$55,000 and the annual renewal fee is \$20,000. One percent of the gross slot machine revenue would be required to be deposited to the General Fund. Thirty-eight percent of the net slot machine revenue from slot machines operated by a federally recognized Indian tribe under this amendment would be distributed as follows:

- A. Three percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board;
- B. Two and one half percent to the University of Maine System Scholarship Fund;
- C. Two and one half percent to the Maine Community College System to fund its scholarships program;
- D. Five percent to the Maine Community College System;
- E. Five percent to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services;
- F. Five percent to the Maine Technology Institute;
- G. Five percent, in equal amounts, to nonprofit organizations licensed as of January 1, 2007 to conduct beano within

Joint Standing Committee on Legal and Veterans Affairs

75 miles of where slot machines are operated by a federally recognized Indian tribe in the State;

H. Five percent to the bordering municipality with the highest population where slot machines are operated by a federally recognized Indian tribe that is licensed to conduct high-stakes beano; and

I. Five percent to be distributed to other federally recognized Indian tribes in the State that are not licensed to operate slot machines.

LD 701 was carried over pursuant to Joint Order, HP 1369.

LD 730 Resolve, Authorizing Matthew Haskell To Sue the State

**ACCEPTED ONTP
REPORT**

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

This resolve authorizes Matthew Haskell to bring a civil action against the Department of Health and Human Services for damages in connection with actions taken by the Department of Health and Human Services.

Committee Amendment "A" (H-288)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

LD 731 An Act To Preserve the Integrity of Elections by Removing the Requirement for a Challenge Affidavit

ONTP

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

This bill amends the law that provides that any voter of any municipality may challenge the right of another to vote. It strikes the requirement that a challenge must be made in the form of a signed affidavit under oath administered by the warden. Under current law, the affidavit must state the challenger's name, address, party affiliation, voter registration status in the municipality, the reason the challenged person may be ineligible to vote, the source of the information or personal knowledge on which the challenge is based. It also provides that a false statement is punishable under the penalties of perjury. This bill would lessen the existing challenge requirements and require only that the challenger state his or her name, the name of the voter challenged and the reason for the challenge.

LD 732 An Act To Improve the Candidate Nomination and Replacement Process

ONTP

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

Current law provides that a political committee may nominate a replacement candidate following a candidate's withdrawal in accordance with the following provisions:

- the candidate who has withdrawn was nominated via primary election, and;
- the candidate who has withdrawn, did so by the 2nd Monday in July; or