

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

LD 1051 An Act To Provide Information to the Public Regarding Lobbying and Lobbyists

ONTP

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

This bill directs the Commission on Governmental Ethics and Election Practices to include in the lobbyist docket and the disclosure website, a photograph of the lobbyist and a professional biography including contact information, relevant past professional work, specific issues or specialty and list of companies the lobbyist represents.

This bill also requires a lobbyist, whenever lobbying, to wear a name tag designed by the commission. It requires the commission to design a tag with a distinctive background color and typeface that will allow one to immediately identify someone as a lobbyist.

The bill also requires a lobbyist to disclose his or her name and the company the lobbyist works for and the client the lobbyist represents whenever the lobbyist approaches a legislator.

The proposals made by this bill will be considered with LD 1393 which was carried over to the Second Regular Session of the 123rd Legislature.

LD 1058 An Act To Require the Reporting of Executive Branch Lobbying

PUBLIC 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN MITCHELL	OTP-AM	H-367

Current law provides that "lobbying" means directly communicating with any official of the legislature for the purpose of influencing legislative action. It also includes communication directly with the Governor for the purpose of influencing the approval or veto of a legislative action. The definition provides that these types of communication are lobbying if the person receives compensation or reimbursement for expenditures. The definition includes time spent to prepare and submit oral or written proposals, testimony or analyses concerning a legislative action.

This bill expands the definition by adding communication with a state agency commissioner, a commissioner's designee, or constitutional officer. It further expands the definition with regard to time spent preparing and submitting oral or written proposals, testimony or analyses to include that submitted to an official within the executive branch, a state agency commissioner, commissioner's designee or constitutional officer.

Finally, the bill specifies what lobbying does not include. That provision states that lobbying does not include time spent by any person providing information to or participating in a subcommittee, stakeholder group, task force or other work group regarding a legislative action by the appointment or at the request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency, commissioner or the chair of a state board or commission as long as the person's regular employment does not otherwise include lobbying.

Committee Amendment "A" (H-367)

This amendment replaces the bill. Like the bill, this amendment includes lobbying of the executive branch in the definition of "lobbying;" however, in order to accomplish this, the amendment establishes a definition for the term "official in the executive branch." The amendment also includes lobbying of constitutional officers in the definition of lobbying. The amendment requires that lobbying of officials in the executive branch be reported separately from lobbying of officials in the legislative branch when lobbyists submit reports to the Commission on Governmental

Joint Standing Committee on Legal and Veterans Affairs

Ethics and Election Practices.

Enacted Law Summary

Public Law 2007, chapter 373 expands the definition of lobbying to include lobbying of officials within the executive branch. It also includes lobbying of constitutional officers in the definition of lobbying. The law requires that lobbying of officials in the executive branch be reported separately from lobbying of officials in the legislative branch when lobbyists submit reports to the Commission on Governmental Ethics and Election Practices.

LD 1059 An Act To Ban Payment-per-signature for Initiative and Referenda Petition Circulators

ACCEPTED ONTP
REPORT

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

This bill prohibits an applicant for a citizens' initiative or people's veto from paying petition circulators based on the number of signatures gathered.

Committee Amendment "A" (H-209)

This amendment, which was not adopted, clarifies the bill by stating that the provision does not prohibit payment or compensation of petition circulators as long as that payment is not based upon the number of signatures obtained.

LD 1088 An Act To Amend Various Department of Defense, Veterans and Emergency Management Laws

PUBLIC 167

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK MARRACHE	OTP-AM	H-199

This bill makes the following changes to the laws governing the Department of Defense, Veterans and Emergency Management:

1. It allows the Commissioner of Defense, Veterans and Emergency Management to sell additional armories;
2. It implements the recommendations of the Governor's Maine Veterans' Memorial Cemetery Working Group;
3. It expands the use of the Dam Repair and Reconstruction Fund to pay for emergency costs incurred for actions taken to protect life and property in emergency situations; and
4. It affects the tuition waiver benefit for spouses and dependents of veterans by:
 - A. Requiring at least 5 years of marriage by a veteran to the parent of a veteran's stepchild before the stepchild is eligible for education benefits;
 - B. Limiting to 8 semesters, which must be completed within 10 years, the benefit provided to spouses of veterans; and
 - C. Requiring the child of a veteran to maintain a "C" or better average to continue to receive benefits.

Committee Amendment "A" (H-199)