

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
127TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

May 2016

STAFF:

DANIELLE FOX, LEGISLATIVE ANALYST
DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla>

MEMBERS:

SEN. SCOTT W. CYRWAY, CHAIR
SEN. RONALD F. COLLINS
SEN. JOHN L. PATRICK

REP. LOUIS J. LUCHINI, CHAIR
REP. THOMAS R. W. LONGSTAFF
REP. ROBERT J. SAUCIER
REP. JOHN C. SCHNECK
REP. KIMBERLY J. MONAGHAN
REP. JARED F. GOLDEN
REP. JONATHAN L. KINNEY
REP. BETH P. TURNER
REP. KATHLEEN R. J. DILLINGHAM
REP. SHELDON MARK HANINGTON
REP. HENRY JOHN BEAR

STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... *carried over to a subsequent session of the Legislature*
CON RES XXX..... *chapter # of constitutional resolution passed by both houses*
CONF CMTE UNABLE TO AGREE..... *Committee of Conference unable to agree; legislation died*
DIED BETWEEN HOUSES..... *House & Senate disagreed; legislation died*
DIED IN CONCURRENCE..... *defeated in each house, but on different motions; legislation died*
DIED ON ADJOURNMENT..... *action incomplete when session ended; legislation died*
EMERGENCY..... *enacted law takes effect sooner than 90 days after session adjournment*
FAILED, EMERGENCY ENACTMENT or PASSAGE..... *emergency failed to receive required 2/3 vote*
FAILED, ENACTMENT or FINAL PASSAGE..... *failed to receive final majority vote*
FAILED, MANDATE ENACTMENT..... *legislation proposing local mandate failed required 2/3 vote*
HELD BY GOVERNOR..... *Governor has not signed; final disposition to be determined at subsequent session*
LEAVE TO WITHDRAW..... *sponsor's request to withdraw legislation granted*
NOT PROPERLY BEFORE THE BODY..... *ruled out of order by the presiding officer; legislation died*
INDEF PP..... *indefinitely postponed; legislation died*
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... *ought-not-to-pass report accepted; legislation died*
P&S XXX..... *chapter # of enacted private & special law*
PUBLIC XXX..... *chapter # of enacted public law*
RESOLVE XXX..... *chapter # of finally passed resolve*
VETO SUSTAINED..... *Legislature failed to override Governor's veto*

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Veterans and Legal Affairs

Public Law 2015, chapter 430 was enacted as an emergency measure effective April 5, 2016.

LD 1484 An Act Regarding the Election Laws

PUBLIC 447
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S LUCHINI L	OTP-AM	S-350 S-359 CYRWAY S

This bill makes the following changes to the election laws.

1. It adds a restriction that a registrar may not serve during an election when an immediate family member of the registrar is a candidate for federal office and clarifies the language regarding compensation. The current restriction applies only to candidates for state, local or county offices.
2. It removes provisions regarding the use of a supplemental incoming voting list.
3. It clarifies the requirements for how a voter's name and prior voting residence address must be provided on a voter registration application.
4. It updates the list of the outside agencies that must provide voter registration pursuant to the National Voter Registration Act of 1993.
5. It clarifies that an individual or organization is entitled to obtain voter registration data if that individual or organization is engaged in a "get out the vote" effort for a specific campaign.
6. It provides that when there is no candidate for a primary election office who has qualified by primary petition or as a declared write-in candidate, the Secretary of State is not required to list that office on the primary ballot.
7. It provides that the written acceptance for a replacement candidate must include a place for the registrar in the candidate's municipality of residence to certify the candidate's registration and enrollment status.
8. It changes the deadline for a candidate to withdraw and be replaced from 60 days to 70 days before the primary or general election.
9. It clarifies that a candidate may withdraw and be replaced if the candidate is incapacitated by a condition or injury and requires a certificate signed by a single licensed physician to accompany the withdrawal request. Current law provides only for incapacitation due to an illness and requires a certificate signed by two licensed physicians.
10. It changes the deadline for a nonparty candidate for Vice President to withdraw and be replaced from 60 days to 70 days before the general election.
11. It provides that if a candidate or nominee for a federal or gubernatorial office withdraws less than 70 days before any election, the Secretary of State is not required to produce new ballots.
12. It adds the restriction that a municipal clerk may not serve as the supervisor of an election when a member of the municipal clerk's immediate family is a candidate for federal, state, county or local office.
13. It changes from 30 to 60 days prior to an election the date by which the municipal clerk must file a report that includes the voting place location, the poll opening time and the number of voting booths to be used.
14. It clarifies the voting procedure by combining the steps of checking voter names on the incoming voting list and

Joint Standing Committee on Veterans and Legal Affairs

giving the ballot to the voter in the same provision of law. It prohibits the practice of handing out the ballot at a separate location from the incoming voting list.

15. It clarifies that it is a violation of law to display, as well as distribute, campaign materials within 250 feet of the entrance to either the voting place or the registrar's office.

16. It provides that the Secretary of State may send a courier to a municipality that is late in filing an election return after the election and that the municipality must provide a certified copy of the return to the courier and reimburse the Secretary of State for the costs of the courier.

17. It extends the deadlines after an election by which the municipal clerk and the registrar of voters must complete updates to the central voter registration system.

18. It changes the filing deadline for a declaration of write-in candidacy from 45 days to 60 days before the election.

19. It allows the Secretary of State, in agreement with the parties involved in a recount of a statewide office or referendum or an office or referendum that encompasses more than one county, to retrieve the ballots and conduct the recount in stages.

20. It clarifies the provision of law that provides that an apparent winning candidate may request a recount if the official tabulation of the vote communicated to the Governor shows that candidate as the losing candidate.

21. It lowers the threshold for requiring a deposit of \$500 in order for a candidate to request a recount.

22. It provides that a municipality may opt to process absentee ballots as early as the fourth day before the election. It also authorizes the Secretary of State to make available high-speed ballot tabulators for absentee ballots and to allow a municipality to bring absentee ballots to a state-designated central location for tabulating by the high-speed ballot tabulators as long as security guidelines are properly followed.

23. It imposes a deadline of 5:00 p.m. on election day for a uniformed service or overseas voter to submit a voter registration application or absentee ballot request in order to qualify for a ballot for that election.

Committee Amendment "A" (S-350)

The bill adds a restriction that a registrar may not serve during an election when an immediate family member of the registrar is a candidate for federal office. This amendment provides that in addition to the bill's changes a registrar may not serve as registrar when the registrar is a candidate for federal, state, local or county office. This amendment removes a provision in the bill that limits the representation of a voter's legal name on a voter registration application to only one middle name or one middle initial. The amendment adds language that provides that the Secretary of State is not required to print a primary ballot if there are no offices for which a candidate has qualified either by petition or as a write-in candidate. Finally, the amendment strikes the provision in the bill pertaining to when a municipal clerk is ineligible to serve as the supervisor of elections.

Senate Amendment "A" (S-359)

This amendment removes the provision of the bill that allows a municipality to process absentee ballots as early as the fourth day before the election and authorizes the Secretary of State to make available high-speed ballot tabulators for absentee ballots and to allow a municipality to bring absentee ballots to a state-designated central location for tabulating by the high-speed ballot tabulators as long as security guidelines are properly followed.

Enacted Law Summary

Public Law 2015, chapter 447 makes the following changes to the election laws.

Joint Standing Committee on Veterans and Legal Affairs

1. It adds a restriction that a registrar may not serve during an election when an immediate family member of the registrar is a candidate for federal office. Under current law, this limitation for a registrar serving during an election already applies when an immediate family member is a candidate for state, local or county office. Under chapter 447, this restriction also applies if the registrar is a candidate for federal, state local, or county office.
2. It removes provisions regarding the use of a supplemental incoming voting list because implementation of the central voter registration system has eliminated the need for generating a supplemental list.
3. It clarifies the requirements for how a voter's name and prior voting residence address must be provided on a voter registration application. The requirements still permit the use of more than one middle name or middle initial on the application.
4. It updates the list of the outside agencies that must provide voter registration pursuant to the National Voter Registration Act of 1993.
5. It clarifies that an individual or organization is entitled to obtain voter registration data if that individual or organization is engaged in a "get out the vote" effort when that effort is targeted towards a specific campaign.
6. It provides that when there is no candidate for a primary election office who has qualified by primary petition or as a declared write-in candidate, the Secretary of State is not required to list that office on the primary ballot. Under this law, the Secretary of State is not required to print a primary ballot at all if there are no offices on that ballot for which a candidate has qualified by primary petition or as a declared write-in candidate.
7. It provides that the written acceptance for a replacement candidate must include a place for the registrar in the candidate's municipality of residence to certify the candidate's registration and enrollment status.
8. It changes the deadline for a candidate to withdraw and be replaced from 60 days to 70 days before the primary or general election.
9. It clarifies that a candidate may withdraw and be replaced if the candidate is incapacitated by a condition or injury and requires a certificate signed by a single licensed physician to accompany the withdrawal request. Current law provides only for incapacitation due to an illness and requires a certificate signed by two licensed physicians.
10. It changes the deadline for a nonparty candidate for Vice President to withdraw and be replaced from 60 days to 70 days before the general election.
11. It provides that if a candidate or nominee for a federal or gubernatorial office withdraws less than 70 days before any election, the Secretary of State is not required to produce new ballots.
12. It changes from 30 to 60 days prior to an election the date by which the municipal clerk must file a report that includes the voting place location, the poll opening time and the number of voting booths to be used.
13. It clarifies the voting procedure by combining the steps of checking voter names on the incoming voting list and giving the ballot to the voter in the same provision of law. It prohibits the practice of handing out the ballot at a separate location from the incoming voting list.
14. It clarifies that it is a violation of law to display, as well as distribute, campaign materials within 250 feet of the entrance to either the voting place or the registrar's office.
15. It provides that the Secretary of State may send a courier to a municipality that is late in filing an election return after the election and that the municipality must provide a certified copy of the return to the courier and reimburse the Secretary of State for the costs of the courier.

Joint Standing Committee on Veterans and Legal Affairs

- 16. It extends the deadlines after an election by which the municipal clerk and the registrar of voters must complete updates to the central voter registration system.
- 17. It changes the filing deadline for a declaration of write-in candidacy from 45 days to 60 days before the election.
- 18. It allows the Secretary of State, in agreement with the parties involved in a recount of a statewide office or referendum or an office or referendum that encompasses more than one county, to retrieve the ballots and conduct the recount in stages.
- 19. It clarifies the provision of law that provides that an apparent winning candidate may request a recount if the official tabulation of the vote communicated to the Governor shows that candidate as the losing candidate.
- 20. It lowers the threshold for requiring a deposit of \$500 in order for a candidate to request a recount.
- 21. It imposes a deadline of 5:00 p.m. on election day for a uniformed service or overseas voter to submit a voter registration application or absentee ballot request in order to qualify for a ballot for that election.

Public Law 2015, chapter 447 was enacted as an emergency measure effective April 10, 2016.

**LD 1508 An Act Regarding the Distribution and Off-site Storage of Spirits by
Licensed Reselling Agents** **PUBLIC 434**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L THIBODEAU M	OTP OTP-AM	H-570

This bill amends current law governing a licensed reselling agent's licensed off-site facility. The bill authorizes a licensed reselling agent to sell spirits to an on-premises licensee at the reselling agent's liquor store location or at the licensed off-site facility.

Committee Amendment "A" (H-570)

This amendment, which is the minority report of the committee, maintains the provision in the bill that permits a reselling agent to process sales of spirits to on-premises licensees from the agent's licensed off-site facility but provides that the off-site facility must be located within five miles of the reseller's agency store location. Current law states that the off-site facility may be located up to 30 miles from the agency store.

Enacted Law Summary

Public Law 2015, chapter 434 permits a reselling agent to process sales of spirits to on-premises licensees from the agent's licensed off-site facility but provides that the off-site facility, must be located within five miles of the reseller's agency store location. Prior to this law being enacted, an off-site facility could be located within 30 miles of the reseller's agency store.

**LD 1509 An Act To Simplify the Filing of Campaign Independent Expenditure
and 24-hour Reports** **ONTP**

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