

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

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STATE OF MAINE

128TH LEGISLATURE
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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 First Regular Session of the 128th 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 FINAL 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 128th Legislature is Wednesday, November 1, 2017. 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

LD 1568 An Act To Require That Principals of Corporations Remain the Same for a Specified Number of Years for the Corporation To Be Eligible for a Casino License

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R SCHNECK J		

Current law prohibits the transfer or assignment of a casino operator license. This bill requires that a corporation applying for a license must have had the same principal officers for at least five years prior to the issue of that license and must retain those officers for at least 10 years after the issue or renewal of the license.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H. P. 1138.

LD 1571 An Act To Amend the Election Laws Relating to Party Qualification

PUBLIC 254

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM OTP-AM	H-439

This bill creates a new category of political party, defined as a "minor party," with a minimum of 5,000 and a maximum of 50,000 enrolled voters. A party with more than 50,000 enrolled voters is defined as a "major party" and nominates candidates through the primary election process. Minor parties do not participate in primaries but instead nominate candidates at state conventions and are required to file consent forms and statements of qualification for those candidates with the Secretary of State within 30 days of the convention or by August 8th of the election year, whichever first occurs. The bill modifies the timeline and procedure for major and minor parties to qualify and to retain qualified party status. It includes an administrative process, similar to the existing one for candidate petition challenges, by which a party may challenge a determination by the Secretary of State that it has failed to qualify. These changes to the party qualification process are intended to address legal issues raised by the Libertarian Party of Maine in a lawsuit filed in 2016, *Libertarian Party of Maine v. Dunlap*, Docket No. 2:16-cv-00002-JAW, and addressed by the United States District Court in a preliminary injunction order issued on May 27, 2016.

Committee Amendment "A" (H-439)

This amendment replaces the bill and is the majority report of the committee. The amendment extends the date by which a party may qualify as a party by submitting an application to the Secretary of State with the required number of voters enrolled in the proposed party. The amendment also provides that a party has two general election cycles to enroll the required number of voters to maintain party status. Current law provides for one general election cycle to enroll the required 10,000 voters. Like the bill, the amendment establishes an appeal process if the Secretary of State denies an application for party qualification. These changes to the process of party qualification are intended to address legal issues raised by the Libertarian Party of Maine in a lawsuit filed in 2016, *Libertarian Party of Maine v. Dunlap*, Docket No. 2:16-cv-00002-JAW, and addressed by the United States District Court in a preliminary injunction order issued on May 27, 2016.

This amendment also provides that the party qualifications in this amendment apply retroactively to November 1, 2016.

Committee Amendment "B" (H-440)

This amendment, which is the minority report of the committee, provides that a party that filed a certification with

Joint Standing Committee on Veterans and Legal Affairs

the Secretary of State in 2016 that it has at least 5,000 voters enrolled in the party and whose nominee for President of the United States appeared on the ballot at the general election on November 8, 2016 is qualified as a minor party as defined by the bill.

Enacted Law Summary

Public Law 2017, chapter 254 extends the date by which a party may qualify as a party by submitting an application to the Secretary of State with the required number of voters enrolled in the proposed party. The law provides that a party has two general election cycles to enroll the required number of voters to maintain party status. Current law provides for one general election cycle to enroll the required 10,000 voters. Chapter 254 establishes an appeal process if the Secretary of State denies an application for party qualification. These changes to the process of party qualification are intended to address legal issues raised by the Libertarian Party of Maine in a lawsuit filed in 2016, *Libertarian Party of Maine v. Dunlap*, Docket No. 2:16-cv-00002-JAW, and addressed by the United States District Court in a preliminary injunction order issued on May 27, 2016.

Public Law 2017, chapter 254 also provides that the party qualifications in this amendment apply retroactively to November 1, 2016.

LD 1590 An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M TALBOT ROSS R		

Current law requires that 4% of the net slot machine income from the casino in Oxford be distributed to the tribal governments of the Penobscot Nation and the Passamaquoddy Tribe. This bill requires that this 4% of the net slot machine income be distributed to the tribal governments of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1591 An Act To Strengthen the Restrictions Governing Lobbying by Former Legislators and Former Executive Branch Officials Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B	ONTP OTP	

Current law allows former Legislators and certain former executive-level state employees to engage in compensated lobbying for up to eight hours per calendar month for the first year after leaving office or employment. This bill prohibits all compensated lobbying by such persons during that period of time.