

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

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STAFF:

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

MEMBERS:

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SEN. RONALD F. COLLINS
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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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 1725 An Act To Ensure Stability for Certain Holders of Liquor Licenses

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L MASON G	OTP-AM	H-585

This bill permanently prohibits the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations from suspending, revoking or refusing to renew certain licenses for the manufacture or sale of liquor issued prior to June 1, 2017 based solely on a change in the bureau's interpretation of the terms "exclusively held" and "exclusively owned" or based solely on a conflict with the Maine Revised Statutes, Title 28-A, section 707, subsection 2, 3 or 4.

Committee Amendment "A" (H-585)

The bill establishes June 1, 2017 as the date before which certain liquor licensees must have been issued a license to be subject to the grandfathering provision in the bill. This amendment changes that date to January 1, 2018.

Enacted Law Summary

Public Law 2017 chapter 341 prohibits the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations from suspending, revoking or refusing to renew certain licenses for the manufacture or sale of liquor issued prior to January 1, 2018 based solely on a change in the bureau's interpretation of the terms "exclusively held" and "exclusively owned" or based solely on a conflict with the Maine Revised Statutes, Title 28-A, section 707, subsection 2, 3 or 4.

LD 1726 An Act To Amend the Laws Governing Elections

Died Between Houses

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

This bill makes the following changes to the election laws.

1. It reduces the retention period for the receipt for certified copies of the incoming voting list from one year to six months.
2. It adds a retention period of six months for test ballots and documentation of testing.
3. It adds a deadline for an aggrieved person to appeal a decision of the registrar of voters regarding the person's voter registration.
4. It removes an obsolete requirement that primary and nomination petitions for the nomination of county commissioners must specify the term office.
5. It clarifies that county committee members residing within county commissioner districts make choices for county commissioner nominations for vacancies.
6. It provides that when two United States Senators are to be elected, the term of office sought by each candidate must be specified on the ballot.

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7. It specifies acceptable formats for names of candidates for nomination to appear on a ballot.
8. It repeals the provision of law allowing for collection of signatures in the voting place.
9. It replaces the current restrictions on political activities occurring within 250 feet of the voting place on election day with new restrictions on both election-related and nonelection-related political and other activities within a designated zone that includes the building where the registrar's office is located when it is open, the voting place, public property within 50 feet of each entrance to the voting place and a 50-foot-wide pathway from the parking or drop-off areas to the entrances to the voting place. Candidates for any office that is on the ballot for the election that day may attend the voting place and orally communicate with voters only if they do so outside the designated zone. Exit polling, the collection of signatures for a candidate or a direct initiative of legislation or referendum and the conduct of charitable or other nonelection-related activities may occur only outside the designated zone. It also applies these restrictions to the municipal clerk's office during the time when absentee voting may be occurring.
10. It adds a new method for returning a voted absentee ballot to the municipal clerk.
11. It changes the manner by which the municipal clerk must give notice of the municipality's intent to process absentee ballots prior to election day.
12. It removes a provision regarding allowing another person to sign for the voter a direct initiative of legislation or a people's veto referendum petition.
13. It removes an incorrect reference to a notary public or other person authorized by law to administer oaths being able to certify petitions.
14. It decreases the public comment period regarding proposed ballot questions for direct initiatives from 30 days to 21 days.
15. It removes an incorrect reference to a census block in Augusta that was included in State Representative District 80 that already was correctly included in State Representative District 85.
16. It repeals a redundant section of the Maine Revised Statutes, Title 30-A that addresses the nomination petitions for county commissioners.
17. It clarifies that the municipal treasurer's statement that must accompany a question for ratification of a municipal bond issue either may be printed on the ballot or may be printed as a separate document that is made available to voters.
18. It corrects cross-references to repealed provisions of law.

Committee Amendment "A" (H-683)

This amendment, which is the majority report of the committee, removes the provisions in the bill that make changes to the laws governing political activities at the polling place. It also removes the provision of the bill that removes language that allows an authorized person to sign a petition for a direct initiative of legislation or a people's veto referendum on behalf of a voter at that voter's direction. The amendment removes a section in the bill that makes changes to the laws governing when a notary public or other person authorized to administer oaths is prohibited from administering an oath to a circulator of a petition for a direct initiative of legislation or people's veto referendum and replaces it with a new section. The new section provides that a notary public or other person authorized to administer oaths is not authorized to administer an oath to a circulator of a petition for a direct initiative of legislation or people's veto referendum petition if that notary public or other person has provided services to initiate or promote that direct initiative of legislation or people's veto referendum. Finally,

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the amendment makes changes to the deadlines governing submission of municipal official candidate nomination papers, municipal official candidate withdrawals and petitions for local option elections on the sale of liquor. These deadline changes make those provisions consistent with other deadlines enacted for similar submissions under Public Law 2017, chapter 248.

Committee Amendment "B" (H-684)

This amendment, which is the minority report of the committee, removes the provision in the bill that repeals the laws governing political activities at the voting place and instead amends those laws. The amendment limits to one person the number of people who may attend a voting place on behalf of a candidate to communicate with voters in the manner permitted under existing law. It provides that a person collecting signatures must do so outside of the voting place unless there is a separate room on the premises of the voting place that is not accessible from the area where voting occurs. It limits the number of signature collectors on any one measure, issue or candidate to two and states that no more than two persons who oppose that measure, issue or candidate for which signatures are being collected may be afforded access to the area. It limits the total number of measures, issues or candidates for which signatures may be collected to five.

The amendment removes a provision in the bill that permits the deposit of absentee ballots into a secured drop box accessible only by the municipal election clerk. It also removes a section in the bill that makes changes to the laws governing when a notary public or other person authorized to administer oaths is prohibited from administering an oath on a petition for a direct initiative of legislation or people's veto referendum and replaces it with a new section. The new section provides that a notary public or other person authorized by law to administer oaths is not authorized to administer an oath for a direct initiative of legislation or people's veto referendum petition if that person has provided services to initiate the measure or promote that direct initiative of legislation or people's veto referendum. Finally, the amendment makes changes to the deadlines governing submission of municipal official candidate nomination papers, municipal candidate withdrawals and petitions for local option votes on the sale of liquor. These deadline changes make those provisions consistent with other deadlines enacted for similar submissions under Public Law 2017, chapter 248.

The fiscal note on the amendment identifies a requirement that municipal election clerks provide informational materials to petition circulators describing the laws governing the solicitation of signatures at the voting place as a potential mandate. This requirement does not necessarily require the development of new materials, as a copy of relevant statutory sections governing solicitation of signatures at the voting place sufficiently satisfies the requirement. A municipality may choose to provide informational materials of the municipality's own creation but that is an optional method of compliance. Thus, the members of the committee on this report find that the provisions identified as a potential mandate do not necessitate additional expenditures from local revenue.

LD 1736 An Act To Broaden Educational Opportunities to Members of the Maine National Guard and Provide Financial Assistance to Veterans

PUBLIC 419

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M POULIOT M	OTP-AM	S-445 H-748 LUCHINI L H-743 FARRIN B

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill broadens the tuition benefit program that is available to members of the Maine National Guard who attend a state postsecondary education institution to provide a tuition benefit for members who attend a private nonprofit