

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

JULY 1993

Staff:
Marion Hylan Barr, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

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CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

3. Allowed landlords to condition release of the abandoned property to the former tenant prior to the actual sale upon the tenant's payment of the actual costs of storage, notice and preparation costs of the sale; and
4. Corrected a statutory section reference that is in error.

LD 1460 An Act Relating to Publication of Legal Notices

PUBLIC 239
EMERGENCY

SPONSOR(S) WEBSTER	COMMITTEE REPORT OTP	AMENDMENTS ADOPTED
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SUMMARY

This bill authorizes the past publication of notices in the Somerset Gazette, which is not entered as 2nd class postal matter in the United States mail. The bill incorporates a similar exemption for the Coastal Journal that was created pursuant to Public Law 1967, chapter 428. Since these publications deal with legal notices, reference in the Maine Revised Statutes should include both newspapers.

LD 1466 An Act Making Campaign Finance Reforms

ONTP

SPONSOR(S) MARTIN J BUTLAND MARSH	COMMITTEE REPORT ONTP MAJ OTP-AM MIN	AMENDMENTS ADOPTED
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SUMMARY

This bill would have established a system for voluntary compliance with campaign expenditure limits; established a public Campaign Financing Trust Fund; prescribed limitations for political action committees and lobbyists; prescribed regulations on accessing public funds for campaign expenditures related to gubernatorial and state legislative campaigns; decreased the membership of the Commission on Governmental Ethics and Election Practices and revised the appointment process to establish it as an independent commission; and increased the reviewing and reporting responsibilities of the commission.

Committee Amendment "A" (H-586), part of the minority committee report, would have added a fiscal note to the bill.

LD 1474 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Transfer the Responsibility for Recounts of Elections to the Judicial Branch

DIED BETWEEN
BODIES

SPONSOR(S) CAREY STEVENS A	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED S-208
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SUMMARY

This resolution would have proposed an amendment to the Constitution of Maine to give the Chief Justice of the Supreme Judicial Court the responsibility to determine the result in disputed elections. The resolution would have implemented a recommendation of the Commission on Election Practices convened by the Secretary of State.

Committee Amendment "A" (S-208) would have added a fiscal note to the resolution.

House Amendment "A" (H-594) would have added an omitted section and deleted language that did not apply to disputed elections.

**LD 1477 An Act to Implement the Recommendations of the Special
Commission on Electoral Practices**

PUBLIC 473

SPONSOR(S)

CAREY
STEVENS A

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-707 GWADOSKY

SUMMARY

This bill implements the recommendations of the Special Commission to Review the Electoral Process convened by the Secretary of State.

House Amendment "A" (H-707) removes 2 provisions that take away the right to vote of a person convicted of election tampering. It prohibits candidates from participating in election recounts. It allows candidates to be present at the polls while the polls are open. It requires the Senate and the House of Representatives to establish procedures for recount appeals. It spells out the criteria to be used in determining intention to establish residence for voting purposes. It retains current law on the selection of registrars, deputy registrars, election clerks and ballot counters. The amendment also adds a fiscal note.

Committee Amendment "A" (S-276) would have replaced the original bill and would have done the following:

1. Amended the definition of "absentee voter".
2. Repealed the general penalty section designating some Class E crimes.
3. Reenacted general penalty provisions dividing crimes into Class E and Class D and required a designated Deputy Attorney General or Assistant Attorney General to investigate and prosecute election law violations.
4. Required the municipal clerk to nominate the registrar of voters, with rejection or approval by the municipal officers within 30 days.
5. Amended the appointment process of deputy registrars.
6. Repealed the boards of voter registration and the deputies for the boards.
7. Deleted the provision that establishes residence as the place to which a person intends to return; allowed a person to have a nontraditional residence.
8. Amended registration and enrollment requirements.
9. Increased the criminal penalties for making a false oath, wrongful removal of a name from a voting list, and tampering with voting lists, voting machines or ballots or opening sealed packages of ballots with the intention of changing the outcome of an election.
10. Increased training of election officials and required greater consistency in the process throughout the State.