

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

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**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

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.

11. Repealed the provisions on the determination of disputed elections.

12. Amended the absentee voting provisions.

13. Added a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-597) would have removed the disenfranchisement provisions in the committee amendment.

House Amendment "B" to Committee Amendment "A" (H-599) would have allowed candidates to be present at the voting places.

House Amendment "C" to Committee Amendment "A" (H-601) would have placed the authority for recounts of disputed elections under the jurisdiction of the courts rather than the Secretary of State.

House Amendment "D" to Committee Amendment "A" (H-644) would have deleted language that stated an absentee ballot may only be given out on the last 14 days before an election as well as on election day. It also would have deleted language that stated a clerk may only issue 3 absentee ballots from the municipality to a 3rd person at a time.

House Amendment "E" to Committee Amendment "A" (H-656) would have added language that would have required that when a municipal clerk appoints additional election clerks, alternate election clerks or counters, the clerk must appoint them with the same representation of parties and unenrolled voters as the election clerks are appointed.

House Amendment "F" to Committee Amendment "A" (H-662) would have restored the reasons a voter may qualify for an absentee ballot and would have removed the provisions allowing absentee ballots on request.

House Amendment "G" to Committee Amendment "A" (H-663) would have deleted the change proposed to the law governing residence as a place to which a voter intends to return.

House Amendment "H" to Committee Amendment "A" (H-665) would have removed the provision that limits voter registration during the final 15 days before an election.

Senate Amendment "A" to Committee Amendment "A" (S-289) would have placed the authority for recounts in disputed elections under the jurisdiction of the courts rather than the Secretary of State.

Senate Amendment "B" to Committee Amendment "A" (S-295) would have clarified that the changes to the provisions of the law governing residence for voting purposes are not intended to affect the construction of that term as contained in Op. Me. Att'y Gen. 80-83. The amendment would have incorporated into the law the standards set forth in that opinion for obligations for a domiciled resident, including registration of a motor vehicle, possession of a driver's license and payment of income and property taxes.

Senate Amendment "C" to Committee Amendment "A" (S-296) would have required a candidate to submit evidence of tampering or irregularity to obtain a recount in an election in which the margin of victory is more than 75 votes in an election for the House of Representatives or a municipal election or 300 votes in an election to the Senate or a county or statewide election.

Senate Amendment "D" to Committee Amendment "A" (S-298) would have replaced the committee amendment and increased the penalty for ballot tampering from a Class D to a Class C; retained provisions regarding ballot security; required the State Police to take custody of ballots during a recount; and increased the penalty for tampering with voting machines from a Class D to Class C.

Senate Amendment "E" to Committee Amendment "A" (S-323) would have made the same changes as House Amendment "A".

Senate Amendment "F" to Committee Amendment "A" (S-325) would have removed the proposed changes relating to deputy registrars and would have removed the language repealing current law governing boards of registration.

Senate Amendment "G" to Committee Amendment "A" (S-326) would have made the same changes as House Amendment "G".

Senate Amendment "H" to Committee Amendment "A" (S-330) would have removed the provisions of the committee amendment that allow disputed elections for state officers to be determined by the Chief Justice of the Supreme Judicial Court.

Committee of Conference Amendment "A" (S-343) would have replaced the entire bill and the entire committee amendment. The amendment would have incorporated most of Committee Amendment "A" and the changes to the committee amendment proposed by House Amendment "B", House Amendment "D", House Amendment "F" and Senate Amendment "F" to Committee Amendment "A". It also would have incorporated a modified version of Senate Amendment "E" to Committee Amendment "A" and would have amended the definition of "residence" to spell out the criteria to be used in determining a person's residence for the purpose of voting. The amendment also would have clarified the intent of Senate Amendment "F" to delete all proposed changes to the method of selecting registrars, deputy registrars, election clerks and ballot counters.

**LD 1488 An Act to Clarify the Process for a Direct Initiative
of Legislation and to Simplify Questions Presented to the
Voters at a Referendum**

PUBLIC 352

SPONSOR(S)
GEAN
CAHILL

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-497

SUMMARY

This bill makes a number of changes to streamline and clarify the procedures to be used by the Department of the Secretary of State in processing and reviewing applications and petitions for direct initiatives of legislation and referenda and sets standards for the wording of referendum questions adopted by the Legislature.

Committee Amendment "A" (H-497) deletes the reference to "after payment" in the provision on the Secretary of State reviewing the proposed law for proper form. It also deletes the requirement that a decision of the Secretary of State rejecting an application be given within 35 days, leaving in the law the requirement that notice be given within 15 days. The amendment adds a provision that requires the Secretary of State to advise petitioners on the proper suggested format for questions, following the outline of section 4 of the bill.

LD 1495 An Act to Amend the Laws Governing Inspection of Ballots

CARRIED OVER

SPONSOR(S)
DIPIETRO

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill would amend the laws concerning the inspection of ballots and incoming voting lists by candidates for municipal offices.