

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AFFAIRS

MAY 1994

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Sen. James R. Handy  
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**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

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, 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:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

**SUMMARY**

This bill would have required that the driving privileges of a minor convicted of possessing a firearm on public school property be suspended for one year or until the minor's 18th birthday, whichever occurred first.

COMMITTEE AMENDMENT "A" (H-880), (the minority report of the Committee) would have replaced the original bill. The amendment would have created a sentencing option for the courts in cases where a person was found guilty of possessing a firearm on public school property. The court would have been able to suspend a violator's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed one year. The penalty would have been applied to violators who were adults or minors. The license suspension would not have been effective until after any period of confinement, if applicable, were served. This amendment also would have added a fiscal note to the bill.

**LD 1865      An Act to Reform Financing of Referendum Questions      ONTP**

<b>SPONSOR(S)</b> MORRISON	<b>COMMITTEE REPORT</b> ONTP	<b>AMENDMENTS ADOPTED</b>
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**SUMMARY**

This bill would have extended the limit on individual contributions in support of the candidacy of one person to individual contributions in support of or in opposition to a referendum question.

**LD 1931      An Act to Promote Integrity in the Citizens Petition Process      PUBLIC 599**

<b>SPONSOR(S)</b> KILKELLY HANDY ADAMS	<b>COMMITTEE REPORT</b> OTP-AM      MAJ OTP-AM      MIN	<b>AMENDMENTS ADOPTED</b> H-881 S-542      HANDY
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**SUMMARY**

This bill prohibits paying circulators of initiative and referendum petitions based on the number of signatures collected.

COMMITTEE AMENDMENT "A" (H-881) is the majority report of the committee and adds a fiscal note to the bill.

SENATE AMENDMENT "B" (S-542) to the bill renames the original prohibition in the bill to "Payment per signature; prohibition."

The amendment also prohibits a person who collects signatures for an initiative or referendum petition from compensating or offering to compensate a person for the person's signature.

COMMITTEE AMENDMENT "B" (H-882), the minority report of the committee, would have replaced the original bill.

The amendment would have prohibited a person who collects signatures for an initiative or referendum petition from compensating or offering to compensate a person for the person's signature.

The amendment also would have established registration and reporting requirements for initiative or referendum petition drives. The amendment would have required a treasurer to be named no later than 10 days after an organization for a petition drive was formed and before the organization accepted

contributions, made expenditures or incurred obligations. The treasurer would have had to immediately report the method of compensation for persons gathering signatures for the petition drive. If payment were made per signature gathered, the treasurer would have had to report the payment schedule. All reports required under this section would have been made to the Commission on Governmental Ethics and Election Practices.

The amendment also would have added a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-915) is the same as Committee Amendment "B" (H-882).

SENATE AMENDMENT "A" (S-529) is the same as House Amendment "A" (H-915) and Committee Amendment "B" (H-882).

**LD 1932 An Act to Reestablish a Mechanism for Review of Disputed Elections**

VETO SUSTAINED

**SPONSOR(S)**

WHITCOMB

**COMMITTEE REPORT**

OTP-AM

MAJ

ONTP

MIN

**AMENDMENTS ADOPTED**

H-1079

**SUMMARY**

This bill would have amended the section of law concerning recounts of elections that was enacted by Public Law 1993, chapter 473, section 31.

In this bill the Maine Revised Statutes, Title 21-A, section 737-A, subsection 5 would have been amended to be consistent with the 4th paragraph of that section to clarify that candidates other than the candidates for the election in question are prohibited from working at a recount.

The bill also would have amended the provision concerning procedures used when there are enough challenged or disputed ballots to affect an election result by having the Supreme Judicial Court determine the results for any such election as, similarly, the Commission on Governmental Ethics and Election Practices determined elections for any disputed election under former Title 21-A, section 737, subsection 8.

COMMITTEE OF CONFERENCE AMENDMENT "A" (H-1079) would have replaced the original bill.

This amendment would have replaced the law governing determination of disputed elections, which was repealed in Public Law 1993, chapter 473.

This amendment would have provided that if there are sufficient challenged or disputed ballots to affect the result of an election, the candidate could appeal to the Commission on Governmental Ethics and Election Practices rather than to the Supreme Judicial Court as in current law.

The amendment also would have added a fiscal note.

COMMITTEE AMENDMENT "A" (H-885), the majority report of the committee, would have replaced the original bill.

The amendment would have provided that for all elections, including Senate and House of Representatives elections, if there were enough challenged or disputed ballots to affect an election result, the Supreme Judicial Court would be required to determine the results for that election. This proposed change was similar to past law that allowed the Commission on Governmental Ethics and Election Practices to determine election results for any disputed election under the Maine Revised Statutes, Title 21-A, former section 737, subsection 8.