

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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**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

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.

Pursuant to the Constitution of Maine, the determination of the Supreme Judicial Court would not have been final in cases of election appeals, for the Senate and the House of Representatives still would have had the final authority to determine who would have been seated in their respective bodies.

The amendment also would have added a fiscal note.

**LD 1959 Resolve, to Provide the Secretary of State with Additional
Time to Validate Petitions for Initiated Legislation**

INDEF PP

SPONSOR(S)
GWADOSKY

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This resolve would have provided a one-time extension of 17 days for the Secretary of State to determine the validity of petitions to limit Congressional terms submitted in January, 1994 pursuant to the Maine Revised Statutes, Title 21-A, section 905. The resolve would also have ensured that the period of time during which any interested party may commence an action in Superior Court was likewise extended.

This resolve was never referred to committee.

LD 1964 An Act to Continue Election Reform Efforts

PUBLIC 583

SPONSOR(S)
WHITCOMB

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-900

SUMMARY

This bill does the following.

1. Expands the jurisdiction of the Commission on Governmental Ethics and Election Practices;
2. Directs the Secretary of State to keep a record of the number of ballots furnished to each municipality and certify to the Governor the number furnished to each municipality on election day;
3. Requires that an absentee ballot request include the reason for requesting an absentee ballot;
4. Requires that the return envelope in which an absentee ballot is placed include a statement regarding the reason for the absentee ballot request; and
5. Requires the municipal officers to specify each specific time that the clerk intends to begin processing absentee ballots and allows the candidate's representative to make absentee ballot inspection requests.

COMMITTEE AMENDMENT "A" (H-900) replaces the original bill.

The amendment requires municipal officers to specify each specific time that a clerk intends to begin processing absentee ballots so that candidates can plan to attend if they so choose.

The amendment allows a candidate's representative, as well as a candidate, to make absentee ballot inspection requests.

The amendment also requires the Commission on Governmental Ethics and Election Practices to review its current duties under the law and to identify issues that the commission has been asked to investigate and