

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

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

JUNE 1996

MEMBERS:

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Sen. Albert G. Stevens, Jr.

Sen. Michael H. Michaud

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

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

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

The amendment proposed to remove the provision in the bill that would have allowed the Adjutant General and the Deputy Adjutant General to order a member of the Maine National Guard, with the member's consent, to perform active state service. The amendment proposed to grant this authority to the Governor or the Governor's designee. The amendment proposed to add an allocation section and a fiscal note.

Enacted law summary

Public Law 1995, chapter 600 authorizes the Governor or the Governor's designee to order any member of the Maine National Guard into active state service for any purpose if the member consents. It adds "helicopter airlift service" as an authorized service under state active service law. It removes the reference in law to the source of funding for the Commissioner of Human Services to reimburse the Maine National Guard for rendering emergency assistance. It requires reasonable notice, appropriate to the duty to be performed, to members of the state military forces prior to their being called into active state service. It provides that a commissioned officer does not enjoy the rights, authority and immunity of a law enforcement officer unless the officer is called up in emergency situations.

LD 1785 An Act Relating to Payment of Tri-state Lotto Prizes PUBLIC 652

<u>Sponsor(s)</u> NADEAU FERGUSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-773
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LD 1785 proposed to permit the voluntary assignment of Tri-state Lotto prizes. The bill proposed to permit an assignor of a prize to cancel the assignment within 45 business days after the assignment agreement is signed. This bill also proposed to permit the prizewinner to pledge future prize payments as collateral for a loan. The bill proposed that provisions of the bill permitting the assignment or pledge of prizes would be repealed if the United States Internal Revenue Service or a court rules, with regard to prizes that are not assigned or pledged, that the right to do so requires the taxation of the entire prize in the year in which it is received rather than the years in which amounts are actually paid.

Committee Amendment "A" (H-773) proposed to reduce the period in which the assignor of a prize is permitted to cancel an assignment to 15 business days

Enacted law summary

Public Law 1995, chapter 652 permits the voluntary assignment of Tri-state Lotto prizes. It permits a prizewinner to cancel an assignment within 15 business days after an assignment agreement is signed. It also permits the prizewinner to pledge future prize payments as collateral for a loan. This law does not become effective until concurrent legislation is enacted by New Hampshire and Vermont

LD 1823 An Act to Reform Campaign Finance DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1823, a citizen initiative, proposed to change campaign and election laws. The initiative proposed a voluntary, publicly financed campaign financing option for candidates running for Governor, State Senator and State Representative. The initiative proposed that participating candidates not be permitted to accept or spend private contributions during the primary or general elections and be required to abide by other campaign contribution and spending restrictions. The initiative proposed to establish a special fund to fund these campaigns. Sources of revenue for the fund would be qualifying contributions obtained by participating candidates, a transfer of money from the legislative and executive budgets, a voluntary \$3 income tax checkoff and voluntary donations.

The initiative proposed to change the makeup and process of selection of the Commission on Governmental Ethics and Election Practices and to fund its operations in monitoring campaign finance data by increasing lobbyist registration fees.

The initiative proposed to reduce the amount of money that political action committees, committees, corporations, associations and individuals may contribute to candidates.

The House of Representative requested an Opinion of the Justices on several legal questions about the initiative. The justices responded on April 3 (Docket N. OJ-96-3) by stating that since the bill had “expired” in the legislative process, there was no solemn occasion and they had no authority to issue an opinion.

Because LD 1823 was not enacted, the initiative is subject to referendum in November, 1996.

Committee Amendment "A" (H-836), which was the Minority Report of the Joint Standing Committee on Legal and Veterans Affairs, proposed to add a fiscal note to the bill.

LD 1827	An Act to Seek Congressional Term Limits	ONTP
	<u>Sponsor(s)</u>	<u>Committee Report</u>
	ONTP	<u>Amendments Adopted</u>

LD 1827, a citizen initiative, proposed to require the Secretary of State to print certain words next to the names of candidates who either refused to pledge to support congressional term limits or who failed to undertake any one of a number of listed activities in support of congressional term limits or in support of the calling of a Constitutional Convention. This initiative also proposed to direct the Legislature to make application to Congress calling for a constitutional convention to propose an amendment to the federal constitution to establish congressional term limits and to direct the Governor to aid in such application. It proposed to direct the State's congressional delegation to work to support such an amendment to the federal constitution.

The House of Representatives sought an Opinion of the Justices on several legal questions raised by this initiative. The justices responded with their opinions on these questions on April 3, 1996 (Docket No. OJ-96-2).

Because LD 1827 was not enacted, the initiative is subject to referendum in November, 1996.

LD 1851	An Act to Clarify the Process for Referendum Recount	DIED BETWEEN BODIES
	<u>Sponsor(s)</u>	<u>Committee Report</u>
	COMMITTEE BILL	OTP
		<u>Amendments Adopted</u>