

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

JULY 1997

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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 Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-212
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LD 1683 proposed to require the court in any forcible entry and detainer action with regard to leasehold tenancies and tenancies at will to issue a writ of possession, when judgment is for the plaintiff, to be effective seven days after the judgment is rendered. The bill also proposed that the appeal period run from the day after the judgment is rendered. When the ground for termination of the tenancy was a rent arrearage, the appeal period would be three days and the appellant in such an appeal would be required to place the amount of rent arrearage in escrow.

Committee Amendment "A" (S-212) replaced the bill. It provided for issuance of the writ of possession seven calendar days after the judgment is entered. It clarified that the time for filing an appeal of a District Court judgment in a forcible entry and detainer action expires upon issuance of the writ of possession or 30 days from the time the judgment is entered, whichever occurs first. It also requires a defendant to pay the lesser of the rent arrearage or the unpaid portion of the current month's rent to the plaintiff or to the District Court at the time of an appeal to Superior Court and to pay rent that accrues during the appeal as a condition of maintaining the stay of the writ of possession.

Enacted law summary

Public Law 1997, chapter 336 provides for issuance of a writ of possession seven calendar days after the judgment is entered in a forcible entry and detainer action. It clarifies that the time for filing an appeal of a District Court judgment expires upon issuance of the writ of possession or 30 days from the time the judgment is entered, whichever occurs first. It also requires a defendant to pay the lesser of the rent arrearage or the unpaid portion of the current month's rent to the plaintiff or to the District Court at the time of an appeal to Superior Court and to pay rent that accrues during the appeal as a condition of maintaining the stay of the writ of possession.

<u>Sponsor(s)</u> DAGGETT TUTTLE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-230
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LD 1731 proposed to make minor technical changes in the election laws to correct statutory references and maintain consistency with changes to other sections of law. It also makes a number of substantive changes in election laws, which are noted in the "Enacted law summary"

Committee Amendment "A" (S-230) proposed to:

Change the number of years that the registrar must maintain records for a voter whose name has been removed from the list from 10 years to five years;

Add a provision that if the municipal officers fail to appoint a registrar to fill a vacancy within 15 days after the officers receive notice of the vacancy, then the municipal clerk appoints a registrar;

Continue to allow the use of a hunting or fishing license for residency identification;

Remove from the bill the provision that a person with a nontraditional residence need not have a mailing address in order to establish residency;

Amend the bill to clarify that the Governor issues a proclamation declaring a vacancy and establishes the deadline for filling the vacancy but the party committees establish the time and place to meet;

Clarify when residents of nursing homes may vote by absentee ballot;

Clarify that the distribution of any advertising material intended to influence a voter's decision is prohibited within 250 feet of the clerk's office, and that the law does not apply to private property, and subjects those materials to the current requirement that on election day all materials must be removed. The amendment clarifies that campaign advertising on an automobile or on a campaign button is permissible when a person is visiting a municipal office for the purpose of conducting municipal business or voting absentee; and

Remove a section of the bill regarding the payment of petition circulators since this provision is now Public Law 1997, chapter 61.

Enacted law summary

Public Law 1997, chapter 436 makes numerous changes in the election laws. The law:

Expands the definition of "immediate family" to include stepparents, stepchildren and step siblings;

Changes the timing of appointment of the registrar of voters. Current law requires the municipal officers to appoint a registrar within 10 days of the regular election of municipal officials. This bill requires the municipal officers to appoint the registrar on a two-year cycle, beginning January 1st of the off-election year;

Changes the cutoff date for mail-in voter registrations from 15 regular days before the election to 10 business days;

Changes the hours that the registrar's office must be open during the last five business days that the clerk's office is open before an election. Current law requires the registrar to be open from 1-5 p.m. and 7-9 p.m. on three of the last five days. This bill requires that the registrar be open for two hours in the evening, anytime between 5 and 9 p.m., on three of those days;

Clarifies that a voter cannot withdraw party enrollment and enroll in a different party for 15 days after the withdrawal;

Changes the deadline for parties to hold their municipal caucuses and certify them to the Secretary of State, from April 15th to March 20th;

Requires the chair and secretary of each state party committee to certify their party platform and presidential electors within 30 days, instead of 60 days, after the state convention;

Allows a candidate for presidential elector to file for one additional federal, state or county office at the same election;

Streamlines the process for identifying replacement candidates in the event of a vacancy.

Allows political parties to determine who may participate in the party's presidential preference primary;

Allows a handicapped voter whose voting place is not handicap accessible to vote either by absentee ballot in the clerk's office or other location that has been designated handicapped accessible or to vote by regular ballot at the central voting place if the municipality uses a central voting place;

Adds a reason for a voter's ballot to be challenged if the voter was provided with the wrong ballot for that voter's electoral district;

Clarifies the requirement to keep a list of challenged voters that can be made available for public inspection after the polls close;

Increases the threshold that a write-in candidate must receive in order to be listed on the election tabulation by name, rather than as "other" from 1% to 5% of the vote;

Allows any voter to cast an absentee ballot in any election;

Allows the voter or the voter's immediate family to submit an absentee ballot application or written request by facsimile;

Clarifies the restrictions on political activities within 250 feet of the clerk's office during the time that absentee voting is occurring, so that it is consistent with the restrictions around the polling place on election day;

Allows a voter who receives an absentee ballot by mail to return the ballot by mail or in person; and

In a municipality that processes absentee ballots before the polls close on election day, allows candidates or their representatives, upon prior notification, to inspect the applications and envelopes of absentee ballots which have not yet been processed for 30 minutes after the declared processing time.

LD 1756

An Act Regarding the Economic Security and Safety of Harness Horsepersons

PUBLIC 474

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE FERGUSON	OTP-AM MAJ ONTP MIN	H-683 TUTTLE H-706 TUTTLE

LD 1756 proposed several changes to the laws governing harness racing. It required the Harness Racing Commission to adopt rules establishing an exclusive bargaining agent for harness horsepersons at each racing venue in the State. It also required each racetrack licensee to establish an account to hold purse money in trust for the benefit of harness horsepersons. All funds used to pay purses under current law must be deposited in the trust account. In addition, the bill required each live-racing licensee to deposit in the trust account an additional sum of