

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

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

JULY 2000

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

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

The document is organized for convenient reference to information on bills considered by the committees. It is organized 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:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*..... House & Senate disagree; bill died
- DIED IN CONCURRENCE*..... One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*..... Action incomplete when session ended; bill died
- EMERGENCY*..... Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*..... Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*..... Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*..... Bill imposing local mandate failed to get 2/3 vote
- NOT PROPERLY BEFORE THE BODY*..... Ruled out of order by the presiding officers; bill died
- INDEF PP*..... Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*..... Bill held by Governor
- VETO SUSTAINED*..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

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

LD 1149

An Act to Require the Municipal Clerk to Attend at Least One Training Session that is Approved by the Secretary of State Every 2 Years Regarding the Conduct of Elections

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER RUHLIN	ONTP	

LD 1149 proposed to require that each municipal clerk attend a training session that is approved by the Secretary of State at least once every 2 years regarding the conduct of elections.

LD 1201

An Act to Require Licensing Fees of Tobacco Products Manufacturers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	ONTP	

LD 1201 proposed to require tobacco products manufacturers who distribute for sale or sell tobacco products directly in the State to pay an annual licensing fee to the State of \$10,000 beginning January 1, 2000. The bill would not have applied to dealers and distributors licensed under the Maine Revised Statutes, Title 36, chapter 703 or chapter 704 and retailers licensed under Title 22, chapter 262-A.

LD 1257

Resolve, Directing the Commission on Governmental Ethics and Election Practices to Adopt Rules Regulating Push Polling

RESOLVE 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT GLYNN	ONTP MAJ OTP-AM MIN	H-1185 TRAHAN

LD 1257 proposed to require a person conducting a push poll by telephone for any candidate for office to disclose the name and address of the organization conducting the push poll, the name and address of the person or organization underwriting the push poll and the name of the candidate and the office for which the candidate is running if the poll is authorized by the candidate. As proposed, "Push poll" would mean an interview with a voter that is designed to influence the voter's decision with a series of questions that appear to be an objective opinion poll concerning an issue but that are worded to suggest answers that support a certain position concerning the issue.

Committee Amendment "A" (S-315), which was not adopted, proposed to replace the original bill. It would have defined "push poll" and required anyone conducting push polling by telephone to disclose who financed the poll and, state if the poll is authorized by a candidate, and identify that candidate's name and the office sought by the candidate. Under this amendment, any violation of this provision would be a Class E crime. The amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (S-502), which was not adopted, proposed to replace the original bill. It would have defined "push poll" and required anyone conducting push polling by telephone to disclose who financed the poll and, state if the poll is authorized by a candidate, and identify that candidate's name and the office sought by the candidate. Any violation of this provision would be a Class E crime. This amendment was proposed after the bill was carried over from the First Regular Session.

House Amendment "A" (H-1185) proposed to replace the original bill. This amendment proposed to require the Commission on Governmental Ethics and Election Practices to adopt rules regulating push polling.

House Amendment "A" to Committee Amendment "B" (H-1178), which was not adopted, proposed to incorporate the changes made by Senate Amendment "A" to Committee Amendment "B" and would have changed the definition of "push poll" to mean any series of more than 1,000 telephone calls in the case of an election for a statewide office, more than 500 telephone calls in the case of an election to the State Senate or more than 250 telephone calls in the case of an election to the State House of Representatives, commenced within 17 days prior to that election. Under this definition, the poll would be designed to influence a voter's decision with a series of questions that intentionally purport to be an objective opinion poll concerning an issue or issues but would be worded to suggest answers that mislead or misrepresent the position of a candidate or provide false or misleading information regarding a candidate.

This amendment also proposed to add the requirement of a knowing or willful mental state as part of the criminal violation.

Senate Amendment "A" to Committee Amendment "A" (S-345), which was not adopted, proposed to change the definition of "push poll."

Senate Amendment "A" to Committee Amendment "B" (S-712), which was not adopted, proposed to amend the definition of "push poll" to apply only to series of telephone calls that are commenced within 17 days prior to an election. This amendment also proposed to specify the number of telephone calls that would have to be placed in order to come under the definition of "push polling."

Senate Amendment "B" to Committee Amendment "A" (S-353), which was not adopted, changes the definition of "push poll."

Senate Amendment "B" to Committee Amendment "B" (S-808), which was not adopted, proposed to direct the Commission on Governmental Ethics and Election Practices to review current disclosure laws required pursuant to the Maine Revised Statutes, Title 21-A, to develop a proposal to expand such disclosure requirements to other forms of paid political speech, including push polling, and to report its findings to the 120th Legislature.

Senate Amendment "C" to Committee Amendment "A" (S-366), which was not adopted, proposed to changes the definition of "push poll."

Enacted law summary

Resolve 1999, chapter 133 requires the Commission on Governmental Ethics and Election Practices to adopt rules regulating push polling including sanctions for candidates whose campaigns violate those rules. Rules adopted under this provision are considered major substantive rules.