

State Of Maine 120th Legislature

First Regular Session

Bill Summaries

Joint Standing Committee on Legal and Veterans' Affairs

August 2001

<u>Members:</u> Sen. Neria R. Douglass, Chair Sen. Chandler E. Woodcock Sen. Lynn Bromley

Rep. John L. Tuttle, Jr., Chair Rep. Nancy L. Chizmar Rep. Lillian LaFontaine O'Brien Rep. Stephen C. Estes Rep. William R. Cote Rep. John L. Patrick Rep. Janice E. Labrecque Rep. Arthur F. Mayo, III Rep. Theodore H. Heidrich Rep. Richard H. Duncan

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120th Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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, <u>History and Final Disposition of Legislative Documents</u>, 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:

CARRIED OVER	Bill Carried Over to Second Regular Session
CON RES XXX Ch	Bill Carried Over to Second Regular Session hapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES	
	ccepts ONTP report; the other indefinitely postpones the bill
	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 REFORE THE BODY	Ruled out of order by the presiding officers: hill died
INDEF PP	Bill Indefinitely Postponed
ONTP	Bill Indefinitely Postponed Ought Not To Pass report accepted
<i>OTP ND</i>	Committee report Ought To Pass In New Draft
<i>OTP ND/NT</i>	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 First Regular Session (unless otherwise specified in a particular law) is *September 21, 2001*.

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to the conduct of elections. The bill also proposed to require polls to be opened no later than 7 a.m. on election days, except that in a municipality with a population of less than 100, the polls should be opened no later than 10 a.m.

Committee Amendment "A" (H-386), which was not adopted, proposed to strike all of the original bill except for the requirement that all polling places open no later than 7 a.m. As proposed by this amendment municipalities with a population of less than 100 could open their polls at 10 a.m. The amendment also would have added a mandate preamble and a fiscal note to the bill.

LD 1704 An Act to Clarify the Activities of Membership Organizations in ONTP Maine

Sponsor(s)	Committe	e Report	Amendments Adopted
MCKEE	ONTP	MAJ	
DOUGLASS	OTP	MIN	

LD 1704 proposed to amend the laws governing campaign finance reports and finances to specify that compensation paid by a "membership organization" to an employee for certain campaign related activities would not be considered either a contribution or a political expenditure.

LD 1711

An Act to Amend the Maine Clean Election Laws

PUBLIC 465

Sponsor(s)	Committee Report		Amendments Adopted
EDMONDS	OTP-AM	MAJ	S-308
TUTTLE	ONTP	MIN	

LD 1711 proposed to expand the scope of reporting for independent electioneering expenditures and clarify which expenditures trigger matching funds under the Maine Clean Election Act. It proposed to extend the qualifying period from March 16th to April 15th for those intending to be participating candidates under the Maine Clean Election Act. It also proposed to strike language that states that the primary purpose of seed money is to enable a candidate to collect qualifying contributions. The bill proposed to permit participating candidates to pay the fees for money orders donated by contributors as long as those fees are reported. It also proposed that money from the Maine Clean Election Fund may be distributed to participating candidates in uncontested general elections in an amount equal to 1/3 of the amount distributed for contested races.

Committee Amendment "A" (S-308) removed the provisions in the original bill that created the definition of independent electioneering and established reporting requirements for independent electioneering expenditures. It changed the distribution amount that the original bill provided for Maine Clean Election Act candidates in uncontested general elections from 1/3 to 40% of the amount distributed to Maine Clean Election Act candidates in contested general elections. The amendment specified that rules of the commission governing qualifying contributions, certification of Maine Clean Election Act candidates, distribution of fund revenues to certified candidates and the disposition of equipment purchased with clean election funds are major substantive rules.

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Enacted law summary

Public Law 2001, chapter 465 provides for several changes to the Maine Clean Election Act. It expands the period in which a gubernatorial or legislative candidate may qualify as a participating candidate in the Maine Clean Election Act by one month. It also permits a candidate collecting the \$5 contributions required to qualify as a participating candidate in the Maine Clean Election Act to pay the fee for a money order that is a \$5 qualifying contribution.

This law provides funding for participating candidates who are uncontested in a general election. These candidates will receive 40% of the amount of the distribution from the Maine Clean Election Fund received by a participating candidate running for a seat in the same body of legislature who is opposed. It also requires the Commission on Governmental Ethics and Election Practices to adopt rules regarding the disposition of property purchased with Maine Clean Election funds.

Finally, Public Law 2001, chapter 465 specifies that rules adopted by the commission regarding qualification and certification of a participating candidate, circumstances regarding vacancies, collection of revenues for the Clean Election Fund and distribution and disposition of revenues are major substantive rules.

LD 1714 An Act Relating to the Election of Candidates by the Instant Runoff ONTP Voting Method

Sponsor(s)	Committee Report	Amendments Adopted
TWOMEY	ONTP	

LD 1714 proposed to create the instant runoff voting method of determining winners in elections for President, Vice-President, United States Senator, United States Representative to Congress, Governor, state Senator and state Representative. As proposed, the method would simulate the ballot counts that would occur if all voters participated in a series of runoff elections and would allow a voter to rank candidates according to that voter's preferences. Each voter would have only one vote for each office, and the ballot count would be the same as would occur if voters participated in a series of runoff elections, with the weakest candidate eliminated after each round of counting. There would be an initial round of counting. If more than 2 candidates received votes after the initial round, the Secretary of State would conduct an instant runoff round. In this instant runoff round, the Secretary of State would eliminate the candidate with the fewest votes. A ballot that would rank this eliminated candidate as the highest-ranked candidate would be counted as a vote for the highest-ranked advancing candidate on that ballot. An advancing candidate with the fewest votes would continue until 2 candidates remain. The candidate with the most votes would be declared the winner. For the presidential and vice-presidential elections, the instant runoff voting method would be conducted to determine winners for the entire State as well as in each congressional district.