

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

August 2001

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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, 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:

CARRIED OVER..... *Bill Carried Over to Second Regular Session*
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

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

Joint Standing Committee on Legal and Veterans' Affairs

LD 1808 **An Act Regarding the Laws Governing the Department of Defense, Veterans and Emergency Management and the Commission to Recognize Veterans of the Vietnam War in the State House Hall of Flags** **PUBLIC 353**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-215 DOUGLASS
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LD 1808 was the result of 2001 Joint Order, H.P. 1340 and was emergency legislation that proposed to extend the final reporting date for the commission to recognize veterans of the Vietnam War in the State House Hall of Flags. The sections of the bill regarding the commission would apply retroactively to November 1, 2000. The bill also proposed to make changes to the laws governing the Department of Defense, Veterans and Emergency Management by authorizing the sale of the Caribou Armory and requiring the Governor to make an oral declaration of an emergency and specifying that a written declaration must be filed with the Secretary of State within 24 hours of the oral declaration.

Senate Amendment "A" (S-215) struck the emergency preamble and the emergency clause and added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 353 extends the final reporting date for the commission to recognize veterans of the Vietnam War in the State House Hall of Flags. The law also authorizes the Department of Defense, Veterans and Emergency Management to sell the armory located in Caribou and permits the Governor to declare an emergency orally provided that a written declaration is filed with the Secretary of State within 24 hours of the declaration.

LD 1809 **An Act Concerning the Penalties for Late Filing of Accelerated Campaign Reporting Under the Maine Clean Election Act** **PUBLIC 470
EMERGENCY**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-718 S-363 DOUGLASS S-370 WOODCOCK
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LD 1809 proposed to amend the laws governing penalties for failure to file accelerated campaign finance reports. Current law requires the imposition of a penalty that may result in an amount disproportionate to the gravity of the lateness in filing. This bill proposed to establish a maximum penalty of \$5,000 for such a violation, and amends the law to allow the Commission on Governmental Ethics and Election Practices to consider when assessing a penalty factors such as the existence of a valid emergency, an error by commission staff and evidence of a bona fide effort to file.

Committee Amendment "A" (H-718) replaced the bill. It amends current law to specify that the Governor shall make nominations to the Commission on Governmental Ethics and Election Practices public upon nomination. It

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requires that the commission employ general counsel and an administrative director as employees of the commission. General counsel compensation would be paid for using the Maine Clean Election Fund. The Attorney General would still aid the commission upon request. Current law requires that the Commission on Governmental Ethics and Election Practices meet 4 times a year. This amendment requires the commission to meet once per month, every 2 weeks 60 days prior to an election and every day during the 28 days prior to an election as long as there are agenda items that require consideration. Such agenda items must be decided within 24 hours of the filing of an inquiry or complaint with the commissioner unless all parties involved agree otherwise. Under this amendment, in the 28 days prior to an election, the commission may hold meetings by telephone. The office of the commission is required to be open from 8 a.m. to 5:30 p.m. on the Saturday, Sunday and Monday prior to an election and until 8 p.m. on election day. The amendment also establishes a reporting schedule for candidates with an opponent who is a participating candidate in the Maine Clean Election Act. Current law specifies mitigating circumstances and allows the consideration of those circumstances that may be considered by the commission when assessing penalties for the late filing of some reports. This amendment extends that provision to the consideration of penalties for the late filing of accelerated reports required when a traditionally funded candidate who receives, spends or obligates 101% of the distribution received by an opponent who is a participating candidate in the Maine Clean Election Act. It also requires the commission to notify a candidate if any reported amount results in a candidate exceeding 101% of the funding received by that candidate's opponent who is a participating candidate in the Maine Clean Election Act. Under this amendment, the commission is required to make a finding of fact establishing when an accelerated report was due prior to assessing a penalty. The amendment also provides for a ceiling to the penalty assessed for late filing of an accelerated report as long as the commission finds that a bona fide effort was made to file an accurate and timely report. The changes made by this amendment are retroactive to January 1, 2000. The penalty provisions regarding late filing of accelerated reports are repealed August 1, 2002.

This amendment also adds an appropriation, an allocation, an emergency preamble and emergency clause to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-349), which was not adopted, proposed to amend the committee amendment regarding appointments to the Commission on Governmental Ethics and Election Practices. The term of any member of the commission appointed prior to January 1, 2002 ends upon the confirmation of nominees to the commission nominated according to the changes proposed by this amendment. Under this proposed amendment, the Governor would appoint 4 of the commission members from a list of qualified candidates presented by appointed leaders of each party in each body of the Legislature. A 5th member of the commission must be chosen from a list of 3 qualified candidates presented to the Governor jointly by the appointed leaders of each party of each body of the Legislature.

Senate Amendment "B" to Committee Amendment "A" (S-363) funds the per diem and other expenses associated with increasing the number of commission meetings and extending office hours from the Maine Clean Election Fund.

Senate Amendment "C" to Committee Amendment "A" (S-370) amends the committee amendment regarding appointments to the Commission on Governmental Ethics and Election Practices. The term of any member of the commission appointed prior to January 1, 2002 ends upon the confirmation of nominees to the commission nominated according to the changes made by this amendment. Under this amendment, the Governor shall appoint 4 commission members from a list of qualified candidates presented by appointed leaders of each party in each body of the Legislature. The public is given 30 days to suggest nominees for appointment to the commission. A 5th member of the commission must be chosen from a list of 3 qualified candidates presented to the Governor

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jointly by the appointed leaders of each party of each body of the Legislature. The Governor selects the nominee for the commission from the list provided by the party leaders.

Enacted law summary

Public Law 2001, chapter 470 changes the process by which appointments are made to the Commission on Governmental Ethics and Election Practices, increases the number of meetings the commission is required to hold and requires the commission to consider mitigating circumstances when assessing a penalty for late filing of accelerated reports filed by a traditionally funded candidate opposed by a participating candidate in the Maine Clean Election Act.

Under this law, terms for members of the Commission on Governmental Ethics and Election Practices beginning prior to January 1, 2002 will end upon the confirmation of nominees made according to the new appointment process. This appointment process requires that members of legislative leadership shall provide the Governor with a list of three qualified candidates for each position from which to choose a nominee. These nominees are subject to confirmation by the Legislature.

During the year, the commission is required to meet monthly and 60 days preceding an election, bi-weekly. In the 28 days preceding an election the commission is required to meet within one calendar day of the filing of any complaint or question with the commission. Agenda items in the 28 days preceding an election must be decided within 24 hours unless all parties agree otherwise.

This law also specifies that the commission employ an administrative director and retain general counsel as an employee of the commission.

Public Law 2001, chapter 470 requires the commission to consider mitigating circumstances when assessing penalties for late filing of accelerated reports and places some limits on those penalties as long as the commission finds that a bona fide effort was made to file an accurate and timely accelerated report. Sections of this law pertaining to penalties are repealed August 1, 2002.

Public Law 2001, chapter 470 was enacted as an emergency measure effective June 28, 2001.

LD 1814

An Act Regarding the Use of Tokens or Tickets for Games of Chance at Agricultural Fairs

**PUBLIC 384
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP OTP	H-629 TUTTLE

LD 1814 was the minority of the Joint Standing Committee on Legal and Veterans Affairs to report out a bill pursuant to Joint Order 2001, House Paper 1332. Current law requires that, beginning January 1, 2001, agricultural fairs licensed to conduct games of chance must use tokens or tickets to conduct those games unless the games are operated by a member of the agricultural fair society or a bona fide nonprofit entity. For-profit entities hired by the fair are required to use tokens or tickets when operating the games. This bill proposed to amend the law by extending by one year the date that fairs are required to comply. It also proposed to require the State Police and the Department of Agriculture, Food and Rural Resources to report to the joint standing committee of