

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
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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
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Joint Standing Committee on Legal and Veterans' Affairs

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

Joint Standing Committee on Legal and Veterans' Affairs

the Legislature having jurisdiction over games of chance by January 15, 2002 and 2003. This bill as proposed would be retroactive to January 1, 2001.

House Amendment "A" (H-629) required that beginning January 1, 2001, games of chance operated at agricultural fairs must be conducted using tickets or tokens unless the games are conducted by a member of the agricultural fair society or a bona fide nonprofit. The original bill proposed to extend the date by which agricultural fairs must comply with the ticket or token provision to January 1, 2002; the amendment removes that change. The amendment permits agricultural fairs to use tickets, tokens or cash regardless of who operates the games of chance. The amendment also removed the emergency preamble and emergency clause from the bill. The amendment maintained the provision that would make the changes to current law retroactive to January 1, 2001.

Enacted law summary

Public Law 2001, chapter 384 delays implementation by one year of the requirement that agricultural fairs licensed to conduct games of chance use tokens or tickets to operate those games unless the games are operated by a member of the agricultural fair society or a non-profit. Under this law, the date by which agricultural fairs must now comply with this requirement is January 1, 2002.

Public Law 2001, chapter 384 was enacted as an emergency measure effective June 11, 2001.