

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

July 2003

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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 PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd 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>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</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>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
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Committee Amendment "A" (H-171) was the minority report and proposed to change the proposed Constitutional amendment so that it would revoke the voting privileges of any person sentenced to a term of imprisonment in a state correctional facility instead of revoking the voting privileges of any person convicted of murder or a Class A crime who is imprisoned in either a jail or a correctional facility. This amendment was not adopted.

LD 212 **An Act to Establish Instant Run-off Voting** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAGGETT		

LD 212, which has been carried over to the Second Regular Session, proposes to create an instant run-off 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. The method would simulate the ballot counts that would occur if all voters participated in a series of run-off 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 run-off elections, with the weakest candidate eliminated after each round of counting.

There is an initial round of counting proposed by this bill. If more than 2 candidates receive votes after the initial round, the Secretary of State conducts an instant run-off round. In this instant run-off round, the Secretary of State would eliminate the candidate with the fewest votes. A ballot that ranks 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 would be a candidate who has not been eliminated. This process of counting votes and eliminating the candidate with the fewest votes would continue until only 2 candidates remain. The candidate with the most votes would be declared the winner.

For the presidential and vice-presidential elections, the instant run-off voting method would be conducted to determine winners for the entire State as well as in each congressional district.

LD 232 **An Act Concerning Political Action Committees and Party Committee Activities Prior to Elections** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL EARLE	OTP-AM MAJ ONTP MIN	

LD 232 proposed to require political action and party committees to submit to the Commission on Governmental Ethics and Election Practices and make available to the general public at least 72 hours before publication, any communication designed to influence an election that is intended to be published for the first time within the 10 days preceding the election.

Committee Amendment "A" (S-223) proposed to replace the bill and change the title. This amendment proposed to prohibit a certified Maine Clean Election Act candidate or a candidate seeking certification as a Maine Clean Election Act candidate from forming, participating in or soliciting or expending money for a political action

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committee except for political action committees formed to support local or statewide bond referenda. This amendment was not adopted.

LD 243 **An Act to Change the Name of the Maine Clean Election Act to the "Publicly Funded Election Act"** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	ONTP MAJ OTP MIN	

LD 243 proposed to change the name of the Maine Clean Election Act to the "Publicly Funded Election Act."

LD 260 **An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWYER	OTP-AM MAJ ONTP MIN	S-116

LD 260 proposed to provide funds in the amount of \$28,000 to reimburse Philip Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee.

Committee Amendment "A" (S-116) proposed to replace the bill and was the majority report of the committee. The amendment proposed to clarify that the funds in the amount of \$28,000 reimburse Philip Wolley for the legal expenses associated with Mr. Wolley's defense of criminal charges brought in connection with his termination of employment as a state employee.

LD 282 **An Act To Prohibit Municipal Elections within 60 Days of a Statewide Election** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH WESTON	ONTP MAJ OTP-AM MIN	

LD 282 proposed to prohibit a municipality from holding a town meeting election within 60 days of a general or statewide election.

Committee Amendment "A" (H-173) was the minority report and proposed to replace the bill. The amendment proposed to prohibit municipalities from calling a special municipal election or special municipal referendum within 60 days of a regular election unless it is called for the same day as the regular election. The amendment also proposed to prohibit school administrative districts from calling a district referendum within 60 days of a regular election within the district unless the district referendum is called for the same day as the regular election. This amendment was not adopted.