

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
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Legal and Veterans' Affairs

LD 1196

**An Act To Clarify the Definition of Independent Expenditures
Under the Election Laws**

PUBLIC 448

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ	S-205
CLARK	OTP-AM MIN	

LD 1196 proposed to repeal current law regarding independent expenditures in political campaigns and replace it with new language would state that in races involving a Clean Election Act candidate, any communication depicting or naming a clearly identified candidate would be presumed to be an independent electioneering expenditure. Such an expenditure would be considered "express advocacy" and would trigger strict reporting requirements. The bill proposed to provide a process for a person making such an expenditure to rebut the presumption that it would be considered "express advocacy."

Committee Amendment "A" (S-205) was the majority report and proposed to replace the bill. It proposed to expand the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate by stating that an expenditure made for a communication that names or depicts a clearly identified candidate that is made 21 days before a primary or general election would be considered an independent expenditure. Such an expenditure would be considered "express advocacy" and trigger strict reporting requirements. Reporting requirements for this provision would be required after \$100 is spent on such an expenditure. It proposed to clarify which expenditures trigger matching funds under the Maine Clean Election Act.

Committee Amendment "B" (S-206) was the minority report and proposed to replace the bill. It proposed to expand the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate by stating that an expenditure made for a communication that names or depicts a clearly identified candidate that is made 30 days before a primary or general election would be considered an independent expenditure. Such an expenditure would be considered "express advocacy" and trigger strict reporting requirements. Reporting requirements for this provision would be required after \$250 is spent on such an expenditure. It proposed to clarify which expenditures trigger matching funds under the Maine Clean Election Act. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 448 amends the election laws governing independent expenditures by expanding the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate. It states that in races involving a Maine Clean Election Act candidate, an expenditure made that names or depicts a clearly identified candidate made 21 days before a primary or general election is considered an independent expenditure. Under current law, independent expenditures trigger reporting requirements that may result in matching funds being distributed to a Maine Clean Election Act candidate. Reporting requirements for this law would be required after \$100 is spent on such an expenditure. This law provides for a person to rebut that the expenditure made was an independent expenditure by stating that it was not made to influence the nomination, election or defeat of a candidate.