

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*May 2004*

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Sen. Kenneth F. Lemont  
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*Maine State Legislature*



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

*121st Maine Legislature  
Second Regular Session and  
Second Special 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

- 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
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

*David C. Elliott, Director*  
**Offices located in Room 215 of the Cross Office Building**

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 1027**                      **Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices**                      **ONTP**

Sponsor(s) LEMOINE	Committee Report ONTP	Amendments Adopted
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LD 1027 proposed to amend the law regarding disclosure of campaign communications, specifically automated telephone calls and mass mailings made by or on behalf of a candidate in the 2 weeks before an election. The resolve proposed to direct the Commission on Governmental Ethics and Election Practices to adopt rules requiring that a copy of the transcript of the automated telephone call or a copy of the mass mailing be filed with the commission before the telephone call or the mailing is conducted, when that communication is conducted in the 2 weeks before an election. The resolve proposed to require the commission to make the transcript of the telephone call or copy of the mailing available for public inspection.

**LD 1242**                      **An Act To Recognize the Regional Impact of Casino-style Gambling Facilities**                      **ONTP**

Sponsor(s) LEMOINE	Committee Report ONTP      MAJ OTP-AM    MIN	Amendments Adopted
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LD 1242 proposed to provide that before a facility at which casino-style gambling is conducted, the operation of such a facility must be approved by the legislative body or voters of the municipality in which the facility is to be located and the legislative body or voters of each municipality that abuts the municipality in which the facility is to be located.

**LD 1339**                      **An Act To Amend the Laws Governing Campaign Finance**                      **PUBLIC 615**

Sponsor(s) CANAVAN GAGNON	Committee Report OTP-AM	Amendments Adopted H-828
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LD 1339 proposed to amend the campaign finance laws by:

1. Requiring a political advertisement broadcast on television or radio to contain an image, if on television, and statement regarding the sponsorship of the ad, spoken by the candidate, treasurer of the candidate's authorized political committee, candidate's party committee or their agents or, if sponsored by a political action committee, the chief decision maker or treasurer of that political action committee or, if sponsored by an individual without any connection to the candidate or political action committee, that individual;

## *Joint Standing Committee on Legal and Veterans' Affairs*

2. Defining a payment made to a 3rd party, not an employee of the candidate, candidate's political committee or party committee or political action committee, as an expenditure for the purposes of reporting and requiring expenditures made to that person to be itemized by the amount, reason and date of the expenditure; and
3. Requiring reports made by candidates, political action committees and independent expenditures regarding contributions to contain, in addition to the name of the contributor, the occupation and place of business of the contributor. This requirement already exists for party committees.

**Committee Amendment "A" (H-828)** was the majority report of the committee and proposed to retain only the provision in the bill that defined a payment made to a 3rd party who is not an employee of the candidate, the candidate's political committee, the party committee or the political action committee as an expenditure for the purpose of reporting and the provision that requires expenditures made to such a person to be itemized by the amount of, reason for and date of the expenditure. The amendment proposed to strike a provision in current law that prohibits a broadcasting station within this State from broadcasting a communication made by a political action committee expressly advocating the election or defeat of a candidate unless that communication includes a statement that indicates that a copy of the report is available from the Commission on Governmental Ethics and Elections Practices. The communication would still be required to include the name and address of the political action committee that financed the communication.

### *Enacted Law Summary*

Public Law 2003, chapter 615 defines payment made to a 3rd party who is not an employee of a candidate, a candidate's political committee, a party committee or a political action committee as expenditures for the purpose of reporting and requires that expenditures made to such a person be itemized by the amount of, reason for and date of the expenditure. Chapter 615 strikes a provision in current law that prohibits a broadcasting station within this State from broadcasting a communication made by a political action committee expressly advocating the election or defeat of a candidate unless that communication includes a statement that indicates that a copy of the report is available from the Commission on Governmental Ethics and Elections Practices. The communication is still required to include the name and address of the political action committee that financed the communication.

**LD 1354**

**An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations**

**DIED BETWEEN BODIES**

Sponsor(s)	Committee Report	Amendments Adopted
THOMPSON	OTP-AM MAJ	
GAGNON	ONTP MIN	

LD 1354 proposed to allow the operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections would be permitted to apply for an initial license while they seek the required federal tax status. The organization applying for the license must own or lease the premises on which the terminals would be placed and must use the premises for its charitable or nonprofit purpose. Video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations