

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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Joint Standing Committee on Legal and Veterans' Affairs

LD 1381

An Act To Regulate the Landlord-tenant Relationship

PUBLIC 259

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING SIMPSON	OTP-AM MAJ ONTP MIN	S-122

LD 1381 proposed to change the amount of time given to a tenant of a notice of a rent increase from 30 days' to 90 days' written notice if the increase is 10% or greater than the rent charged before the increase. It also required a 6-month notice if the increase is greater than 20% of the rent charged before the increase.

Committee Amendment "A" (S-122) is the majority report of the committee and replaced the bill. The amendment proposed to increase the amount of time given to a tenant of a notice of a rent increase from 30 days to 45 days.

Enacted Law Summary

Public Law 2003, chapter 259 increases the amount of time that a landlord must give a notice to a tenant of a rent increase from 30 days to 45 days.

LD 1486

An Act To Comply with Federal Election Laws Including the Help America Vote Act of 2002

**PUBLIC 407
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-178

LD 1486 proposed to make changes necessary to bring the Maine Revised Statutes, Title 21-A into compliance with the requirements of federal election laws, including the Help America Vote Act of 2002, HAVA, and the Uniformed and Overseas Citizens Absentee Voting Act, and would specify that the Secretary of State is responsible for overseeing the State's duties with respect to these Acts. The bill proposed to add or amend certain definitions relating to members of the uniformed service and overseas voters. It would also update existing sections of the election law with the new terms. The bill proposed to make changes to the voter registration application to add certain identifying information as required by HAVA. It would specify that in order for 17-year olds to preregister to vote, they must turn 18 years of age prior to the next election. It would also clarify what documentation must be retained in the voter registration file. The bill would also make a single, standard requirement for the number of voting booths needed for a general election for all municipalities and would require each voting place to have at least one voting booth that is accessible for persons with physical disabilities. This bill would replace the current requirements for instructions for the blank, write-in absentee ballots with authority for the Secretary of State to determine those instructions and clarify usage of the federal write-in absentee ballot. It would also streamline the process for recording absentee ballots issued by removing a duplicative requirement that the registrar certify the absentee ballot applications. The bill proposed to require municipal clerks to file a report with the Secretary of State indicating how many persons were issued and returned absentee ballots for each election; and further identifying the number of ballots that were issued to uniformed service voters and overseas voters.

Committee Amendment "A" (S-178) proposed to make the bill an emergency, and provide the Secretary of State with the necessary rule-making authority to adopt rules establishing the administrative complaint procedure required under Section 402 of the federal Help America Vote Act of 2002, HAVA. These rules would need to be in

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effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA. This amendment proposed to replace the section in the bill regarding absentee ballot applications for uniformed service voters and overseas voters. The new section would state that an absentee ballot application would be valid even if it is received more than 3 months prior to an election for a federal office and that the application would be valid for the next 2 regularly scheduled elections for federal office. The amendment proposed to add a new section to the bill that states that, if the courts have issued an order extending the time to close the polls, any ballots cast during that extended period must be challenged, segregated and counted separately from all other ballots. The amendment also proposed to add a new section regarding the use of blank write-in absentee ballots for uniformed service voters and overseas voters.

Enacted Law Summary

Public Law 2003, chapter 407 makes changes necessary to bring the Maine Revised Statutes, Title 21-A into compliance with the requirements of federal election laws, including the Help America Vote Act of 2002, HAVA, and the Uniformed and Overseas Citizens Absentee Voting Act, and specifies that the Secretary of State is responsible for overseeing the State's duties with respect to these Acts. It adds or amends certain definitions relating to members of the uniformed service and overseas voters including a section regarding the use of blank write-in absentee ballots. The law makes changes to the voter registration application to add certain identifying information as required by HAVA. Chapter 407 specifies that in order for 17-year olds to preregister to vote, they must turn 18 years of age prior to the next election. It also clarifies what documentation must be retained in the voter registration file. The law also makes a single, standard requirement for the number of voting booths needed for a general election for all municipalities and requires each voting place to have at least one voting booth that is accessible for persons with physical disabilities. This law replaces the current requirements for instructions for the blank, write-in absentee ballots with authority for the Secretary of State to determine those instructions and clarifies usage of the federal write-in absentee ballot. The law also streamlines the process for recording absentee ballots issued by removing a duplicative requirement that the registrar certify the absentee ballot applications. Under this law, municipal clerks are required to file a report with the Secretary of State indicating how many persons were issued and returned absentee ballots for each election and further identify the number of ballots that were issued to uniformed service voters and overseas voters. Chapter 407 makes other changes to the provisions for absentee voting for the uniformed service voters and overseas voters that are consistent with current laws governing all other absentee voters. The law also states that, if the courts have issued an order extending the time to close the polls, any ballots cast during that extended period must be challenged, segregated and counted separately from all other ballots. Finally, this law provides the Secretary of State with the necessary rule-making authority to adopt rules establishing the administrative complaint procedure required under Section 402 of the federal Help America Vote Act of 2002, HAVA. These rules need to be in effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA.

Public Law 2003, chapter 407 was enacted as an emergency measure effective June 3, 2003.