

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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Sen. Kenneth F. Lemont
Sen. Arthur F. Mayo III*

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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 1537

An Act Regarding the Maine Military Authority and the Sale of the Fort Fairfield Armory

**PUBLIC 342
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND CLARK	OTP-AM	S-181

LD 1537 proposed to clarify that the Maine Military Authority is part of the Department of Defense, Veterans and Emergency Management, Military Bureau.

Committee Amendment "A" (S-181) proposed to replace the bill. The amendment proposed to specify that the Maine Military Authority is under the jurisdiction of the Military Bureau within the Department of Defense, Veterans and Emergency Management and to clarify that the Maine Military Authority is a public instrumentality of the Military Bureau's Maine National Guard. The amendment also proposed to authorize the Adjutant General to sell the Fort Fairfield Armory for \$1. The amendment proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 342 specifies that the Maine Military Authority is under the jurisdiction of the Military Bureau within the Department of Defense, Veterans and Emergency Management and clarifies that the Maine Military Authority is a public instrumentality of the Military Bureau's Maine National Guard. The law also authorizes the Adjutant General to sell the Fort Fairfield Armory to the Town of Fort Fairfield for \$1.

Public Law 2003, chapter 342 was enacted as an emergency measure effective May 29, 2003.

LD 1548

An Act To Amend the Election Laws

PUBLIC 447

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK GAGNON	OTP-AM	H-496

LD 1548 proposed to add or amend the definitions for certain voting terms. The bill also proposed to specify how ballots would be destroyed after their retention period. This bill would clarify the process for adding names of new registrants to the voting list for election day. The bill would also prohibit the use of obscene language in the name of a new political party or for a nonparty candidate's political designation on petitions or the ballot. The bill proposed to correct an incorrect reference to the Maine Rules of Civil Procedure, relating to challenges of the Secretary of State's decision regarding candidate petitions. This bill proposed to add a reason for challenging ballots, which is currently found in another section of law, to the challenge section. The bill also would remove the penalty for soliciting a vote from a person who is under guardianship because of mental illness. The bill would clarify the prohibition against the use of devices in the voting place to make audible voice communications that influence voters. This bill would also specify that the state-supplied tamper-proof containers and locks must only be used to secure state ballots and election materials. The bill proposed to clarify the requirement that the clerk must provide a secure location for keeping ballots and voting equipment. This bill also clarifies which candidates can request a recount and increases the deposit amount for recounts requested when the difference between the vote totals is over 6%, 8% and 10% of the total votes cast for the office. This bill would detail specific requirements for when a clerk must accept a written absentee ballot application, written request or telephone application. The bill

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would also clarify the circumstances when a voter could be issued a 2nd absentee ballot, as well as directing the election officials as to which of these ballots would be processed and counted on election day. This bill also proposed to clarify who are designated recount candidates and the procedure to be used in notifying a candidate of the recount. Finally, this bill proposed to change the penalty for tampering with an electronic tabulating device or other type of voting device so that it would be consistent with the penalty for tampering with a voting machine.

Committee Amendment "A" (H-496) proposed to incorporate changes that ensure that each crime and civil violation has its own unique statutory cite. This amendment also proposed to change the act of tampering with a voting device from a Class C crime to a Class B crime.

Enacted Law Summary

Public Law 2003, chapter 447 adds or amends the definitions for certain voting terms. The law also specifies how ballots must be destroyed after their retention period. This law clarifies the process for adding names of new registrants to the voting list for election day. The law also prohibits the use of obscene language in the name of a new political party or for a nonparty candidate's political designation on petitions or the ballot. Chapter 447 corrects an incorrect reference to the Maine Rules of Civil Procedure, relating to challenges of the Secretary of State's decision regarding candidate petitions. It adds a reason for challenging ballots, which is currently found in another section of law, to the challenge section. This law also removes the penalty for soliciting a vote from a person who is under guardianship because of mental illness. Chapter 447 clarifies the prohibition against the use of devices in the voting place to make audible voice communications that influence voters. This law also specifies that the state-supplied tamper-proof containers and locks must only be used to secure state ballots and election materials and clarifies the requirement that the clerk must provide a secure location for keeping ballots and voting equipment. It also clarifies which candidates can request a recount and increases the deposit amount for recounts requested when the difference between the vote totals is over 6%, 8% and 10% of the total votes cast for the office. This law provides for specific requirements for when a clerk must accept a written absentee ballot application, written request or telephone application and clarifies the circumstances when a voter can be issued a 2nd absentee ballot, as well as directing the election officials as to which of these ballots must be processed and counted on election day. Under this law, the penalty for tampering with an electronic tabulating device or other type of voting device is changed so that it is consistent with the penalty for tampering with a voting machine. Finally, this law clarifies who are designated recount candidates and the procedure to be used in notifying a candidate of the recount.

LD 1581

**Resolve, Authorizing Municipalities To Consolidate Voting Districts
for Special Elections on Bond Issues Held in 2003**

**RESOLVE 7
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

LD 1581, a resolve, proposed to authorize municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in 2003.