

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

**LD 1710**                      **An Act To Allow Towns To Consolidate for the Purpose of Establishing a Voting Place**                      **ONTP**

Sponsor(s) STANLEY MCLAUGHLIN	Committee Report ONTP	Amendments Adopted
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LD 1710 proposed to allow towns with populations of 4,000 or less to consolidate for the purposes of establishing one voting place for all the consolidated towns.

**LD 1728**                      **An Act To Amend the Penalty Provisions and Reporting Deadlines of the Campaign Reports and Finances Laws**                      **PUBLIC 628**

Sponsor(s) GAGNON	Committee Report OTP-AM    MAJ OTP-AM    MIN	Amendments Adopted S-470
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LD 1728

Part A of this bill provides greater flexibility to the Commission on Governmental Ethics and Election Practices to reduce the statutory penalties for the late filing of campaign finance reports. In addition, the bill authorizes the commission to assess penalties for certain violations for which current law prescribes only criminal sanctions.

Part B of this bill shortens the deadline for the reporting of large campaign contributions and expenditures from within 48 hours of the contribution or expenditure to within 24 hours.

**Committee Amendment "A" (S-470)** This amendment proposed to remove the Class E crime designation to the failure of a candidate or treasurer to file required campaign finance reports. It proposed to replace that provision by stating that the failure to file a report is subject to the same penalties as for failing to file a report on time. The amendment also proposed to make technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It would also amend the bill to reinstate a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature.

**Committee Amendment "B" (S-471)** This amendment proposed to make technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It also proposed to reinstate a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature.

***Enacted Law Summary***

Public Law 2003, chapter 628 provides greater flexibility to the Commission on Governmental Ethics and Election Practices to reduce the statutory penalties for the late filing of campaign finance reports. It removes the Class E crime designation from the failure of a candidate or treasurer to file required campaign finance reports. It replaces

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that provision by stating that the failure to file a report is subject to the same penalties as for failing to file a report on time. It also makes technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It also reinstates a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature. Finally, chapter 628 shortens the deadline for the reporting of large campaign contributions and expenditures from within 48 hours of the contribution or expenditure to within 24 hours.

**LD 1752**

**An Act To Update Laws Affecting the Military**

**PUBLIC 583**

Sponsor(s) CLARK CANAVAN	Committee Report OTP-AM	Amendments Adopted H-752
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LD 1752 proposed to make the following changes to laws pertaining to the Department of Defense, Veterans and Emergency Management.

1. Change the number of consecutive days of active state service required for Maine National Guard members to be eligible to participate in the Maine State Retirement System from 15 to 5.
2. Provide for the extension of temporary guardianship until 30 days after active duty orders expire for a child whose parent is a member of the Reserves, is on active duty for more than 30 days, and has been ordered to duty without consent or ordered to duty during a period of war or national emergency.
3. Repeal the law that allows a commissioned officer of the National Guard to retire from service at one grade higher than the grade that he or she earned.
4. Repeal the authority of a commanding officer of troops to order the closing of a place where intoxicating beverages, arms, ammunition, or explosives are sold.
5. Amend the law regarding tax exemptions for property owned or leased by the military bureau.
6. Amend the law regarding paid leave provided to state employees who are members of the National Guard or the Reserves, so that eligibility criteria for the paid leave specifies that the member is performing military duty rather than military training.

**Committee Amendment "A" (H-752)** proposed to clarify that the provision of the bill regarding extension of temporary guardianship applies to members of the National Guard as well as members of the Reserves of the United States Armed Forces. The amendment also proposed to add a provision to make the same clarification in the provision of law regarding extension of power of attorney. The amendment proposed to eliminate the provision of the bill that amends the tax exemption for military property.

### ***Enacted Law Summary***

Public Law 2003, chapter 583 makes the following changes to laws pertaining to the Department of Defense, Veterans and Emergency Management.