

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).

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

1. Changes 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. Provides for the extension of temporary guardianship until 30 days after active duty orders expire for a child whose parent is a member of the National Guard or the Reserves of the United States Armed Forces, 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. Clarifies that the extension of power of attorney until 30 days after active duty orders expire for a child who 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, applies to members of the National Guard as well as members of the Reserves of the United States Armed Forces.
4. Repeals 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.
5. Repeals the authority of a commanding officer of troops to order the closing of a place where intoxicating beverages, arms, ammunition, or explosives are sold.
6. Amends the law regarding paid leave provided to state employees who are members of the Guard or the Reserves, so that eligibility criteria for the paid leave specifies that the member is performing military duty rather than military training.

LD 1755

An Act To Amend the Election Laws

PUBLIC 584

Sponsor(s) CLARK	Committee Report OTP-AM	Amendments Adopted H-753
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LD 1755 proposed to designate a voter's signature and identification number, which are used as unique identifiers in the centralized voter registration system, as nonpublic records that would be available for inspection only by certain persons. The bill proposed to decrease from 5 years to 2 years the time that voter registration records must be kept for a voter whose name has been removed from the voting list. LD 1755 proposed to clarify that voters who register in person before the municipal registrar of voters must complete an application that contains the information required in the Maine Revised Statutes, Title 21-A, section 152 or 154. The bill would remove the restriction that a student election clerk may assist a voter only if the voter specifically requests assistance from the student election clerk. It would remove obsolete language specifying the format of the write-in spaces for a presidential preference primary ballot and delete the requirement that nominees' names must appear on a ballot in block capital letters. LD 1755 proposed to add a requirement that the notice of election must be posted at the polls on election day, in compliance with the federal Help America Vote Act of 2002. The bill proposed to allow the election officials to open the packages of official ballots one hour before the polls open, instead of the 1/2 hour that is currently specified, and would clarify that the election clerk in charge of the incoming voting list may make a horizontal red line beside the voter's name on the voting list to indicate that a voter has voted. Finally, the bill proposed to remove an obsolete reference to a repealed provision of law.

Committee Amendment "A" (H-753) proposed to strike a section in the bill that states that voter signatures and identification numbers are not public records. The amendment proposed that voter signatures and identification

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numbers and associated records are not public records in electronic format but are public records when in a printed hard-copy format.

Enacted Law Summary

Public Law 2003, chapter 584 designates the electronic form of a voter's signature and identification number, which are used as unique identifiers in the centralized voter registration system, as nonpublic records that will be available for inspection only by certain persons. Hard copies of voter signatures and identification numbers and associated records are public records. Chapter 584 decreases from 5 years to 2 years the time that voter registration records must be kept for a voter whose name has been removed from the voting list.

It clarifies that voters who register in person before the municipal registrar of voters must complete an application that contains the information required in the Maine Revised Statutes, Title 21-A, section 152 or 154. The law removes the restriction that a student election clerk may assist a voter only if the voter specifically requests assistance from the student election clerk and removes obsolete language specifying the format of the write-in spaces for a presidential preference primary ballot and deletes the requirement that nominees' names must appear on a ballot in block capital letters. Chapter 584 adds a requirement that the notice of election must be posted at the polls on election day, in compliance with the federal Help America Vote Act of 2002. The law allows election officials to open the packages of official ballots one hour before the polls open, instead of the 1/2 hour that is currently specified and clarifies that the election clerk in charge of the incoming voting list may make a horizontal red line beside the voter's name on the voting list to indicate that a voter has voted.

LD 1759

An Act To Ensure the Accurate Counting of Votes

PUBLIC 651

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM MAJ	H-842
MAYO	ONTP MIN	

LD 1759 proposed to set standards for voting machines and would provide that each statewide election may be followed within 120 hours of the closing of polls by a manual vote recount of up to 2% of voting places that use voting machines, selected at random, to be performed as an audit of the accuracy of the machines. The bill proposed to prohibit the connection of any voting district via the Internet to central vote collection equipment and prohibit the use of the Internet for the casting of votes online.

Committee Amendment "A" (H-842) proposed to replace the bill. It would define "direct recording electronic voting machine, "mechanical lever voting machine" and "punch card voting machine." The amendment would require that any voting machine used in the State produce a paper audit trail. It also proposed to ban the use of mechanical lever voting machines and punch card voting machines. The amendment proposed to further prohibit the networking of voting machines and prohibits Internet voting.

The amendment proposed to require the Secretary of State to report to the joint standing committee of the Legislature having jurisdiction over statewide election matters by January 15, 2005 on the progress made to implement the accessible voting equipment requirements of the federal Help America Vote Act of 2002. The amendment would also place a moratorium on the purchase and approval of direct recording electronic voting machines, or other voting systems equipped for individuals with disabilities, until March 1, 2005.