

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
ONT P.....	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

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.

Joint Standing Committee on Legal and Veterans' Affairs

Enacted Law Summary

Public Law 2003, chapter 651 defines "direct recording electronic voting machine," "mechanical lever voting machine" and "punch card voting machine." It requires that any voting machine used in the State produce a paper audit trail. It also bans the use of mechanical lever voting machines and punch card voting machines. Chapter 651 further prohibits the networking of voting machines and prohibits Internet voting. This law requires 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. It also places 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.

LD 1820

An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks

PUBLIC 687

Sponsor(s)	Committee Report	Amendments Adopted
LEMOINE	OTP-AM MAJ	H-868
GAGNON	OTP-AM MIN	S-515 MAYO S-519 MAYO

LD 1820 proposed to effectively amend Initiated Bill 2003, chapter 1 as approved by the voters at referendum in November 2003, which allowed for the operation of slot machines by certain persons licensed to operate commercial harness horse racing tracks.

Part A of the bill proposed to establish the Gambling Control Board within the Department of Public Safety to regulate the operation, distribution and maintenance of slot machines and the facilities at which those slot machines are located. The Gambling Control Board would consist of 5 members who would serve staggered 3-year terms and who would be appointed by the Governor. The bill would maintain the eligibility criteria for slot machine operators, but would also establish licensing criteria applicable to all potential slot machine operators, thereby eliminating the initiated bill's automatic licensing provisions. The bill proposed to strengthen the harness horse track transfer regulations contained in the initiated bill. The bill would create a framework through which the Gambling Control Board would regulate and monitor slot machine operators, distributors and gambling-related vendors and service providers.

Part A proposed to maintain the distribution of the gross income from slot machines, which is income after payback to players, as proposed in the initiated bill. However, the bill proposed to allow the Commissioner of Administration and Financial Services to establish a "compensation percentage." The compensation percentage would be defined as a percentage of the gross income necessary to compensate the State for all administrative, regulatory and economic costs associated with slot machine operations. In addition, the Commissioner of Administration and Financial Services would be permitted to award "impact fees" to off-track betting and high-stakes beano operators that demonstrate adverse effects on their businesses as a direct result of the introduction of slot machine operations.

Part A would restrict the number of slot machines to that required to maintain the vitality of Maine's harness horse racing industry, as determined by the Gambling Control Board. The number would be limited to 1,500 slot