

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

August 2005

Staff:

*Danielle D. Fox, Legislative Analyst
Curtis Bentley, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

Members:

*Sen. Kenneth T. Gagnon, Chair
Sen. Elizabeth H. Mitchell
Sen. Debra D. Plowman*

*Rep. John L. Patrick, Chair
Rep. John L. Tuttle, Jr.
Rep. Charles D. Fisher
Rep. Patricia A. Blanchette
Rep. Linda M. Valentino
Rep. Randy E. Hotham
Rep. Richard B. Brown
Rep. Gary W. Moore
Rep. David N. Ott
Rep. Wright H. Pinkham, Sr.
Rep. Frederick J. Moore, III*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Legal and Veterans' Affairs

Committee Amendment "A" (H-161) proposed to raise the percentage of registered voters a political party would need to have enrolled in order to achieve qualified party status from 0.5%, as proposed in the bill, to 1% according to at least one tabulation of registered voters in either of the 2 preceding elections.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 337 **An Act Regarding the Late Payment of Rent** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	ONTP MAJ OTP MIN	

LD 337 proposed to decrease from 15 to 7 the number of days that must pass before a landlord may assess a penalty for the late payment of rent.

LD 368 **An Act To Amend the Maine Clean Election Act** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO RICHARDSON J	ONTP	

LD 368 proposed to prohibit Maine Clean Election Act candidates from participating in political action committees that are established to influence the election or defeat of legislative candidates or to support that candidate's effort to be elected to a legislative leadership position.

LD 374 **An Act Regarding the Voting Place** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON BARSTOW	OTP-AM	S-150

LD 374 proposed to accomplish the following.

1. It would reduce from 250 feet to 100 feet the distance from the entrance to the voting place within which a person, on public property, may not advertise, influence or attempt to influence another person's vote.
2. It would prohibit a person from influencing or attempting to influence a person's decision on a question that is on the ballot for the election that day.
3. It would specify that the limitations on influencing or attempting to influence a person's decision do not prohibit pollwatchers, media representatives or persons collecting signatures for direct initiatives or ballot referenda, as long as certain conditions are met.

Joint Standing Committee on Legal and Veterans' Affairs

Committee Amendment "A" (S-150) proposed to change the title of the bill and replace the section of the bill that places those collecting signatures for petitions a minimum of 25 feet outside the voting place with guidelines for the presence of petitioners at the voting place, including allowing space for those who oppose the petition for which signatures are being collected.

House Amendment "A" to Committee Amendment "A" (H-398) proposed to replace the bill and require the Secretary of State to supply a temporary warden if a municipal voting warden determines that there is a security concern or it is necessary to maintain order at the polling place. The amendment also proposed to require the Secretary of State to report to the Joint Standing Committee on Legal and Veterans Affairs on the cost of providing a temporary warden at a polling place and with potential funding sources. The amendment also would make the requirement to supply a temporary warden effective for the November 2006 election.

House Amendment "B" to Committee Amendment "A" (H-478) proposed to allow a warden to place an opponent to a petition next to the circulator of that petition, but does not require such placement.

Senate Amendment "A" to Committee Amendment "A" (S-218) proposed to alter Committee Amendment "A" in the following ways.

1. It would permit a municipal clerk to deny access to the voting place if a circulator fails to notify the clerk by noon of the day before the election day of an intention to collect signatures.
2. It would replace the provision in the committee amendment that limits the number of circulators and opponents to one per question or issue with a new provision that permits the warden to limit the number based on the space available.
3. It would provide that the restriction against approaching a voter before that voter votes applies only to activity within the voting place.

LD 383 **An Act To Ban Government Conflict of Interest in Elections** **ONTP**

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
------------------------------	--	---------------------------------	--	---------------------------

LD 383 proposed to prohibit employees of the State and members of government employee unions from running for the Legislature, outgoing Legislators from running for constitutional office or State Auditor, people who receive income from the State from publicly participating in a campaign, people who occupy positions elected by the Legislature from publicly participating in a campaign or endorsing candidates and government employee unions from assisting with or contributing to campaigns.

LD 412 **An Act To Clarify the Definition of "Lobbyist"** **ONTP**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
------------------------------	--	---------------------------------	--	---------------------------

LD 412 proposed to ensure the registration as lobbyists of all individuals who engage in lobbying in excess of 8 hours in a calendar month and who receive compensation for their time spent lobbying, whether or not the