

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*August 2005*

**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  
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Rep. David N. Ott*

*Rep. Wright H. Pinkham, Sr.  
Rep. Frederick J. Moore, III*

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Maine State Legislature

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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*

LD 870

**An Act To Increase Access to Information Regarding Referendum Questions**

**PUBLIC 316**

<u>Sponsor(s)</u> MAKAS MITCHELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-505
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LD 870 proposed to require the Office of Fiscal and Program Review to prepare a fiscal estimate of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations and to publish that estimate with the explanatory statement that is already required. The bill would require the Secretary of State to adopt rules regarding the publication of public comment by proponents and opponents of constitutional resolutions or statewide referenda and establishes a fee of \$500 for having public comments published. It also proposed to establish a dedicated fund in the Department of the Secretary of State consisting of revenue from the \$500 fees and requires that the fund be used for the purpose of publishing the informational pamphlet including the public comment, explanatory statement and fiscal estimate. The bill would specify that any unspent balance in excess of \$5,000 as of December 1st each year must be transferred to the General Fund.

**Committee Amendment "A" (H-505)** proposed to specify what must be included in a fiscal estimate of a constitutional resolution or statewide referendum and establishes a date by which the fiscal estimate must be completed.

*Enacted law summary*

Public Law 2005, chapter 316 requires the Office of Fiscal and Program Review to prepare a fiscal estimate of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations and to publish that estimate with the explanatory statement that is already required. The estimate would be complete 30 days after adjournment of the legislative session immediately prior to when the constitutional amendment or referendum will appear on the ballot. The estimate will summarize the aggregate impact that the constitutional resolution or referendum will have on the General Fund, the Highway Fund, other Special Revenue Funds and the amounts distributed by the state to local units of government. Chapter 316 requires the Secretary of State to adopt rules regarding the publication of public comment by proponents and opponents of constitutional resolutions or statewide referenda and establishes a fee of \$500 for having public comments published. It also establishes a dedicated fund in the Department of the Secretary of State consisting of revenue from the \$500 fees and requires that the fund be used for the purpose of publishing the informational pamphlet including the public comment, explanatory statement and fiscal estimate. Chapter 316 specifies that any unspent balance in excess of \$5,000 as of December 1st each year must be transferred to the General Fund.

**LD 882**

**An Act To Ensure Fair Distribution of Matching Funds under the Maine Clean Election Act**

**ONTP**

<u>Sponsor(s)</u> PERRY J PATRICK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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*Joint Standing Committee on Legal and Veterans' Affairs*

LD 882 was a concept draft pursuant to Joint Rule 208. It proposed to clarify when expenditures need to be reported and improve the enforcement power of the Commission on Governmental Ethics and Election Practices in order to ensure fair and timely distribution of matching funds under the Maine Clean Election Act.

**LD 914**                      **An Act To Prohibit Campaign Expenditures except during an Established Campaign Season**                      **ONTP**

<u>Sponsor(s)</u> CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 914 proposed to establish a general election campaign period and prohibits advertising expenditures by candidates for Governor, United States Senate, United States House of Representatives, State Senate and State House of Representatives and political committees and political action committees for communications advocating the election or defeat in the general election of a clearly identified candidate except during that period. This bill did not propose to prohibit advertising expenditures for primary or special elections.

**LD 929**                      **An Act To Create Freedom of Citizen Information Regarding Ballot Questions**                      **PUBLIC 356**

<u>Sponsor(s)</u> FAIRCLOTH GAGNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-412 H-503 PATRICK
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LD 929 proposed to do the following:

1. It would require the Secretary of State in conjunction with the Revisor of Statutes to draft a proposed ballot question summary for proposed direct initiative legislation and to post the summary on the Internet;
2. It would require that the proposed ballot question summary contain prescribed language informing the voter of the costs of ballot questions and that the petition circulator must offer the voter the opportunity to read and keep a copy of the summary before signing the petition;
3. It would require that the petition contain a header stating that each voter has a right to read the proposed ballot question summary before signing the petition;
4. It would require that the petition be divided into 2 columns for signatures to identify voters who read the proposed ballot question summary and signed the petition and those who did not read the summary but still signed the petition;
5. It would require the petition circulator to certify that all voters were given the opportunity to read the proposed ballot question summary before signing the petition and makes the falsification of such certification a crime;
6. It would require a person that is circulating a petition within 250 feet of a polling place to post a sign that reads "Not a Polling Place";