

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

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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 946 **An Act To Prohibit Petition Blockers from Polling Places** **ONTP**

<u>Sponsor(s)</u> MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 946 proposed prohibiting a person from attempting to persuade someone to refuse to sign and from attempting to block access to a petition for which signatures are being solicited at the voting place.

LD 952 **An Act To Regulate Political Advertising** **ONTP**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 952 proposed to prohibit broadcasting television advertisements advocating the election or defeat of a candidate for political office or the passage or defeat of a referendum question until 42 days or fewer before the primary, election or referendum.

LD 1007 **An Act To Eliminate Certain Limitations in the Siting of Agency Liquor Stores** **ONTP**

<u>Sponsor(s)</u> NASS R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1007 proposed to prohibit the Department of Public Safety from denying an application for an agency liquor store solely due to the proposed agency store's proximity to an existing agency liquor store or the population of the municipality of the proposed agency store.

LD 1026 **An Act To Provide Uniform Voter Verification and Recount Requirements for Voting Machines** **PUBLIC 445**

<u>Sponsor(s)</u> PINGREE EDMONDS		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-453 H-508 PATRICK
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Current law requires the Secretary of State to provide voting machines equipped for individuals with disabilities, such as direct recording electronic voting machines. These machines are exempt from the requirement placed on other voting machines that they produce a paper record that allows a voter to verify a vote before it is cast.

LD 1026 proposed to remove that exemption, thus requiring the accessible voting equipment to produce a paper audit trail.

Joint Standing Committee on Legal and Veterans' Affairs

Committee Amendment "A" (H-453) proposed to provide that the Secretary of State is not required to ensure that a paper audit trail function is included on voting machines purchased for disabled access in compliance with the federal Help America Vote Act of 2002 if the machines are determined inadequate to meet all the requirements for voting machines provided in current law.

Committee Amendment "B" (H-454) incorporated a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-508) proposed to clarify that except for accessible voting equipment that must be provided by 2006 in compliance with the federal Help America Vote Act of 2002, voting machines must include a paper audit trail function.

Enacted law summary

Current law requires the Secretary of State to provide voting machines equipped for individuals with disabilities, such as direct recording electronic voting machines. These machines are exempt from the requirement placed on other voting machines that they produce a paper record that allows a voter to verify a vote before it is cast.

Public Law 2005, chapter 445 removes that exemption, but provides that the Secretary of State is not required to ensure that a paper audit trail function is included on voting machines purchased for disabled access in compliance with the federal Help America Vote Act of 2002 if the machines are determined inadequate to meet all the requirements for voting machines provided in current law. Chapter 445 also clarifies that except for accessible voting equipment that must be provided by 2006 in compliance with the federal Help America Vote Act of 2002, voting machines must include a paper audit trail function.

LD 1033

An Act To Implement Fusion Voting in Maine

ONTP

Sponsor(s)
PINGREE
DAMON

Committee Report
ONTP

Amendments Adopted

LD 1033 proposed a voting system utilizing cross-endorsement, which is the practice of multiple parties or political designations nominating the same candidate. It proposed to eliminate the current rules requiring enrollment in a political party in order to be a candidate for that party's nomination. It also proposed to require the Secretary of State to list on the ballot a candidate nominated by multiple parties or political designations once for each party or political designation. The bill would also prevent overvotes, when a voter marks the same candidate's name multiple times, from invalidating the vote.

LD 1075

**An Act To Expand the Items That May Be Sold by Malt Liquor
and Wine Licensees**

PUBLIC 193

Sponsor(s)
SAVIELLO
COWGER

Committee Report
OTP-AM

Amendments Adopted
H-313