

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

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*

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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.

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6. It would repeal provisions that allow 3rd-party or immediate family participation in voting by absentee ballot.

LD 1467 **An Act To Limit the Hours of Operation at Certain Gambling Establishments** **ONTP**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1467 proposed to limit the daily hours of operation of a facility that operates slot machines to 6:00 a.m. to 1:00 a.m. the following day.

LD 1485 **Resolve, To Publicize the Odds of Winning a State Lottery** **ONTP**

<u>Sponsor(s)</u> BOWEN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1485 proposed requiring the State Liquor and Lottery Commission to adopt rules that would require the publication of the odds of winning the highest possible prize in a lottery game in all advertising and marketing for that lottery game.

LD 1500 **An Act To Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act** **PUBLIC 301**

<u>Sponsor(s)</u> GAGNON PATRICK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-264
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LD 1500 proposed to make the following changes to the laws governing campaign financing and reporting and administration of the Maine Clean Election Act.

1. It would provide candidates, volunteers and political party committees more flexibility to pay for additional goods and services that would not be considered campaign contributions.
2. It would require disclosure of which persons paid for publicly accessible sites on the Internet and automated telephone calls promoting or opposing candidates.
3. It would require electronic filing of campaign finance reports by candidates, lobbyists, state party committees and political action committees unless they request an exception to the requirement.
4. It would require the filing of updated registration information by political action committees during each election year.

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5. It would extend to 7 days the opportunity for candidates to appeal a determination by the Commission on Governmental Ethics and Election Practices on a candidate's request to participate in the Maine Clean Election Act.
6. It would provide more flexibility to Maine Clean Election Act candidates to obligate themselves to purchase goods and services prior to certification.
7. It would change from major substantive to routine technical the type of rulemaking necessary for the Commission on Governmental Ethics and Election Practices to amend its campaign finance reporting form for candidates.
8. It would require the filing of 24-hour reports by candidates and others on weekend days during the last 11 days before an election.
9. It would expressly permit the Commission on Governmental Ethics and Election Practices to audit campaign finance reporting by political action committees, candidates and others.
10. It would clarify the reporting requirements for expenditures by political action committees.

Committee Amendment "A" (S-264) proposed to strike from the definition of "party candidate listing" that the listing is distributed in the geographical area where voters would vote for the candidates listed. It would add publicly accessible sites on the Internet to the list of media through which communications are distributed. It would require disclosure of the name and address of a person who made or paid for a communication that names or clearly depicts a candidate in the 21 days preceding an election. The amendment proposed to clarify that automated telephone calls paid for by a candidate that use the candidate's voice do not require a statement indicating who paid for the telephone call. The amendment would strike the extension from 21 days to 30 days in the provision in current law that states that any communication that clearly names or depicts a candidate in a race involving a Maine Clean Election Act candidate disseminated 21 days prior to an election is considered a contribution and triggers matching funds. The amendment would also permit the acceptance of contributions to pay for a candidate's election recount and would provide for reporting of contributions and expenditures with regard to recounts.

Enacted law summary

Public Law 2005, chapter 301 makes the following changes to the laws governing campaign financing and reporting and administration of the Maine Clean Election Act.

1. It provides candidates, volunteers and political party committees more flexibility to pay for additional goods and services that would not be considered campaign contributions.
2. It requires disclosure of which persons paid for publicly accessible sites on the Internet and automated telephone calls promoting or opposing candidates.
3. It requires electronic filing of campaign finance reports by candidates, lobbyists, state party committees and political action committees unless they request an exception to the requirement.
4. It requires the filing of updated registration information by political action committees during each election year.

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5. It extends to 7 days the opportunity for candidates to appeal a determination by the Commission on Governmental Ethics and Election Practices on a candidate's request to participate in the Maine Clean Election Act.
6. It provides more flexibility to Maine Clean Election Act candidates to obligate themselves to purchase goods and services prior to certification.
7. It changes from major substantive to routine technical the type of rulemaking necessary for the Commission on Governmental Ethics and Election Practices to amend its campaign finance reporting form for candidates.
8. It requires the filing of 24-hour reports by candidates and others on weekend days during the last 11 days before an election.
9. It expressly permits the Commission on Governmental Ethics and Election Practices to audit campaign finance reporting by political action committees, candidates and others.
10. It clarifies the reporting requirements for expenditures by political action committees.
11. It strikes from the definition of "party candidate listing" that the listing is distributed in the geographical area where voters would vote for the candidates listed.
12. It adds publicly accessible sites on the Internet to the list of media through which communications are distributed.
13. It requires disclosure of the name and address of a person who made or paid for a communication that names or clearly depicts a candidate in the 21 days preceding an election.
14. It clarifies that automated telephone calls paid for by a candidate that use the candidate's voice do not require a statement indicating who paid for the telephone call.
15. It also permits the acceptance of contributions to pay for a candidate's election recount and provides for reporting of contributions and expenditures with regard to recounts.

LD 1514

An Act To Enhance the Transparency of Maine's Elections

ONTP

<u>Sponsor(s)</u> PINGREE EDMONDS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1514 proposed to establish a procedure for regular scientific audits of the State's election machinery on a biennial basis, by means of manually recounting the ballots of a random sample of all voting machines in the State. The bill would also establish an escalating recount procedure in the event that unacceptable discrepancies are discovered during the random sample recount process, and would mandate the regular statistical analysis of those discrepancies. This bill proposed establishing the Maine Electoral Transparency Fund to provide reimbursement for costs incurred in performing the recounts. Resources of the fund would come from an income tax checkoff and voluntary contributions. Contingencies for shortages and surpluses in the fund would also be addressed.