

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

July 2006

Members:

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

*Rep. John L. Patrick, Chair
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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular 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 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
ONTP	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 (Pocket Veto)	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 August 23, 2006.

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Enacted law summary

Public Law 2005, chapter 596 provides that when considering issuing a license for an agency liquor store, the licensing division of Department of Public Safety shall consider the absence of an existing agency store in a downtown location with less than 3,000 square feet of retail space. This law also provides that the licensing division is not required to consider the availability of parking spaces when issuing a license to a store with under 3,000 feet of retail space in a downtown location.

LD 1822

An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists

PUBLIC 613

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	ONTP MAJ OTP-AM MIN	H-822 S-622 PLOWMAN

LD 1822 was a concept draft pursuant to Joint Rule 208. This bill proposed to establish a register for all lobbyists, based on Wisconsin law that maintains records of individuals, who they work for and what organizations they represent; what legislation they are interested in; and how they voted on certain legislation.

Committee Amendment “A” (H-822) proposed to replace the bill, which was a concept draft. It was the minority report of the committee. The amendment proposed to make changes to the lobbyist disclosure laws and also requires a lobbyist disclosure website.

It would amend the definition of “lobbying” to include communicating with the Governor or an official in the legislative branch with regard to an issue or topic that is not the subject of legislative action when the purpose of that communication is to influence the position of the Governor, a Legislator or an official in the legislative branch. It would require that upon termination of employment of a lobbyist, the employer and the lobbyist would be responsible for completing and submitting any outstanding reports. It would require quarterly reporting as opposed to monthly reporting required by current law and strikes the annual reporting and monthly non-session reporting requirements. The amendment would strike a provision that exempts a lobbyist from the penalty for failure to file if the lobbyist failed to file during a special session when no lobbying was performed. It would require that within 10 days of commencing lobbying activity, the lobbyist notify the Commission on Governmental Ethics and Election Practices of the legislative action, issue or topic that is subject to lobbying activity, including the position on the topic.

It also proposed to add the following to what is currently required by lobbying activity reports:

1. Lobbying activity on a particular issue relative to a part of a budget bill;
2. A reasonable estimate of the number of hours spent lobbying on each legislative action, issue, topic or other matter reported;
3. The position stated by the lobbyist on behalf of the employer, whether it be in favor, opposed, partially in favor or opposed or neither for nor against, or whether the issue is just being monitored by the lobbyist; and

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4. That if \$1,000 or more was spent on actions regarding a budget bill or topic not the subject of legislative action, that activity must be reported.

The amendment would have required the commission to create a publicly accessible website that would include:

1. A list of all persons who employed a lobbyist for the year;
2. A list of all lobbyists and lobbyist associates registered for the year;
3. A profile of lobbyists, including contact information, names of those employing the lobbyists and, if provided, photographs;
4. A profile of employers of lobbyists, including contact information and a list of the lobbyists they employ; and
5. For each employer, a listing of legislative actions, issues and topics that were the subject of lobbying that year.

This amendment also proposed to provide that the commission may keep all of the lobbyist registration fees it collects to cover the cost of administering the expanded reporting requirements and the lobbyist registration website. Under current law half of those fees go to the General Fund.

House Amendment “A” to Committee Amendment “A” (H-914), which was not adopted, proposed to:

1. Amend the definition of “lobbying” to include time spent in committee to monitor legislative actions;
2. Amend the definition of “lobbyist” by reducing the threshold of lobbying from 8 to 4 hours in a calendar month;
3. Strike the provision requiring an estimate of hours spent for each legislative action;
4. Change the number of days in which a lobbyist must notify the Commission on Governmental Ethics and Election Practices of lobbying activity from 10 days proposed in Committee Amendment “A” to 5 days; and
5. Provide that, for fiscal year 2006-07, all fees collected under the lobbying laws must go to the commission instead of 1/2 going to the General Fund.

House Amendment “B” to Committee Amendment “A” (H-946), which was not adopted, proposed to:

1. Amend the definition of “lobbying” to include time spent in committee to monitor legislative actions;
2. Amend the definition of “lobbyist” by reducing the threshold of lobbying from 8 to 4 hours in a calendar month for those persons who are specifically employed to lobby by other than the person's employer;
3. Require each lobbyist and lobbyist associate, including state agency employees, to provide a recent photograph, and permits a lobbyist or lobbyist associate to provide professional biographical information;
4. Clarify those activities for which disclosure is required by removing inconsistent new language;
5. Strike the provision requiring an estimate of hours spent for each legislative action; and

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6. Provide that, for fiscal year 2006-07, 75% of all fees collected under the lobbying laws must go to the Commission on Governmental Ethics and Election Practices instead of 1/2 going to the General Fund.

House Amendment “C” to Committee Amendment “A” (H-962), which was not adopted, proposed to:

1. Amend the definition of “lobbyist” by reducing the threshold of lobbying from 8 to 4 hours in a calendar month for those persons who are specifically employed to lobby by other than the person's employer;
2. Require each lobbyist and lobbyist associate, including state agency employees, to provide a recent photograph, and requires the Commission on Governmental Ethics and Election Practices to determine other information that a lobbyist or lobbyist associate may provide for inclusion in the registration docket and on the disclosure website;
3. Clarify those activities for which disclosure is required by removing inconsistent new language;
4. Strike the provision requiring an estimate of hours spent for each legislative action; and
5. Provide that, for fiscal year 2006-07, 75% of all fees collected under the lobbying laws must go to the Commission on Governmental Ethics and Election Practices instead of 1/2 going to the General Fund.

House Amendment “D” to Committee Amendment “A” (H-1004), which was not adopted, proposed to remove the changes to the definition of “lobbying” as proposed in Committee Amendment “A” and remove references to “issue” as it pertains to lobbying.

This amendment also proposed to require each lobbyist and lobbyist associate, including state agency employees, to provide a recent photograph, and require the Commission on Governmental Ethics and Election Practices to determine other information that a lobbyist or lobbyist associate may provide for inclusion in the registration docket and on the disclosure website.

House Amendment “E” to Committee Amendment “A” (H-1057), which was not adopted, proposed to eliminate the provision that dedicated all of the lobbyist registration fee revenue to the Commission on Governmental Ethics and Election Practices and provide for a one-time transfer from the General Fund to the Commission on Governmental Ethics and Election Practices Other Special Revenue Funds account.

Senate Amendment “A” to Committee Amendment “A” (S-592), which was not adopted, proposed to remove the changes to the definition of “lobbying” as proposed in Committee Amendment “A” and remove references to “issue” as it pertains to lobbying.

Senate Amendment “B” to Committee Amendment “A” (S-595), which was not adopted, proposed to require a state employee or a state agency employee who is registered with the commission as a lobbyist to comply with all other requirements that apply to lobbyists under the law regarding other lobbyists.

Senate Amendment “C” to Committee Amendment “A” (S-603), which was not adopted, was modeled on New Hampshire law, that requires a registered lobbyist to wear a name tag when lobbying in the State House complex. This name tag would have required white lettering on a hunter orange background, be at least 1 1/2 inches high and 2 1/2 long and consist of the lobbyist's first and last name and the word “lobbyist” or the name of the organization represented in letters at least 1/4 inch high.

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Senate Amendment “D” to Committee Amendment “A” (S-622) proposed to strike all of Committee Amendment “A” except that part that dealt with the registration docket and disclosure website and changes in that section how often the docket needs to be updated from weekly to monthly and deletes the phrase “issues and topics” as it pertains to lobbying.

Enacted law summary

Public Law, chapter 613 creates a docket of registered lobbyists and a website for the public display of lobbyist registration information. The docket includes the name of each registered lobbyist, the person employing the lobbyist and the nature of the employer’s business and a statement as to the compensation paid to the lobbyist. This docket must be updated monthly and must be indexed alphabetically by both the name of the lobbyist and the name of persons who employ lobbyists. This docket must be made available to the public during regular office hours of the Commission on Governmental Ethics and Election Practices. This law also directs the commission to establish a publicly accessible website that displays a list of lobbyists and their employers and a profile of each. For each employer of a lobbyist, the website must also list all of the legislative actions that were the subject of lobbying including links to the Legislature’s website that provides summaries of legislative documents.

LD 1830 **An Act Regarding Promotional Materials and Mail-in Rebates for Spirits** **PUBLIC 503**

Sponsor(s)
PATRICK
MAYO

Committee Report
OTP-AM

Amendments Adopted
H-776

LD 1830 proposed to clarify the law regarding promotions in agency liquor stores to allow licensees to offer for sale any package or combination of packages of spirits or use marketing promotions for spirits that the State Liquor and Lottery Commission has approved for use in the State as long as they conform to the standards of the Federal Alcohol Administration Act.

Committee Amendment “A” (H-776) proposed to change the title and replace the bill. It would remove a reference to state liquor stores with regard to combination packages of spirits approved by the State Liquor and Lottery Commission for sale in the State. The amendment would also provide that promotional materials, including mail-in rebates, designed to encourage consumer purchase of spirits, upon approval by the commission, may be offered by those whose spirits are listed by the commission. The amendment would specify that mail-in rebates for spirits must be redeemed by the manufacturer and may not exceed the purchase price of the spirits product.

Enacted law summary

Public Law 2005, chapter 503 clarifies the law regarding promotions in agency liquor stores. It provides that promotional materials, including mail-in rebates, designed to encourage consumer purchase of spirits, upon approval by the commission, may be offered for those spirits products that are listed by the commission. The law specifies that mail-in rebates for spirits must be redeemed by the manufacturer and may not exceed the purchase price of the spirits product. Finally, chapter 503 removes a reference to state liquor stores with regard to combination packages of spirits approved by the State Liquor and Lottery Commission for sale in the State.