

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LEGAL AND  
VETERANS' AFFAIRS**

July 2007

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\* Representative Stacey Fitts replaced former Representative Abigail Holman on the Legal and Veterans' Affairs Committee.

# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Legal and Veterans Affairs

## LD 10 An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee

ACCEPTED ONTP  
REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEDDELL	ONTP MAJ OTP-AM MIN	

This bill makes a one-time General Fund appropriation of \$28,000 in fiscal year 2007-08 to reimburse Philip Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee.

## LD 27 An Act To Clarify Election Laws Concerning Election Clerks' Qualifications

PUBLIC 422  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM	H-568 H-587 PATRICK

This bill relaxes the residency requirement for the appointment of election clerks, permitting a municipal clerk to appoint election clerks who are residents of the county of the municipality if insufficient numbers of municipal residents are available.

### Committee Amendment "A" (H-568)

This amendment requires a municipal clerk to notify the chairs of the local and state party committees of the lack of available election clerks necessary to provide a balance among the major political parties. After providing this notice the clerk may appoint election clerks from within the county. This amendment also requires municipal officers to consider persons nominated from the county and state party committees when appointing election clerks. Finally, this amendment requires the municipal clerk to complete a form provided by the Secretary of State, when a registered voter changes party enrollment status in order to be available to serve as an election clerk to maintain a balance between the major political parties and that election clerk participates in the counting of ballots. That form must be filed with tabulation results sent to the Secretary of State and attached to the sorted group of ballots counted by an election clerk who conducted the count on those ballots. This amendment also requires the Secretary of State to report how many forms regarding election clerks who changed party enrollment status were submitted.

### House Amendment "A" (H-587)

This amendment removes the mandate preamble, which was included in the committee amendment in error.

### Enacted Law Summary

Public Law 2007, chapter 422 requires a municipal clerk to notify the chairs of the local and state party committees of the lack of available election clerks necessary to provide a balance among the major political parties. After providing this notice the clerk may appoint election clerks from within the county. It also requires municipal officers to consider persons nominated from the county and state party committees when appointing election clerks. Chapter XXX requires the municipal clerk to complete a form provided by the Secretary of State, when a registered voter changes party enrollment status in order to be available to serve as an election clerk to maintain a balance between the major political parties and that election clerk participates in the counting of ballots. That form must be filed with tabulation results sent to the Secretary of State and attached to the sorted group of ballots counted by an election clerk who conducted the count on those ballots. This law also requires the Secretary of State to report how many forms regarding election clerks who changed party enrollment status were submitted.

# Joint Standing Committee on Legal and Veterans Affairs

Public Law 2007, chapter 422 was enacted as an emergency measure effective June 27, 2007.

**LD 35      An Act To Require Approval by the Gambling Control Board for the Transfer of Ownership of an Off-track Betting Facility      ONTP**

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

Current law places the administration of licensing off-track betting facilities with the Harness Racing Commission. This bill would amend the provisions of law that govern off-track betting facilities to provide that the transfer of ownership of an off-track betting facility would be subject to the approval of the Gambling Control Board. The Gambling Control Board is the authority that licenses and administers the law governing the operation of slot machines at a slot machine facility.

**LD 42      An Act To Repeal Term Limits for Legislators      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM	

This bill eliminates term limits for Legislators if the people of the State favor the idea at a referendum.

**LD 62      An Act To Recognize Gold Star Parents and Family Members      PUBLIC 461**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS BOWMAN	OTP-AM	S-350    ROTUNDO H-84

This bill directs the Adjutant General to establish an award to give to "gold star" parents and close family members of armed services members who are killed in action or die as a consequence of wounds received in battle if one of the "gold star" parents or close family members lives in this State.

**Committee Amendment "A" (H-84)**

This amendment clarifies the system to be developed by the Adjutant General to award gold star medals to relatives living in Maine of members of the United States Armed Forces who are killed in action or die as a result of injuries received in battle since September 11, 2001. The system is to be administered by the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management. The amendment provides that up to 3 medals may be awarded. One medal would be issued to a surviving spouse and one to the parents or 2 if the parents are divorced. If the service member has no surviving spouse or parents or they live outside of the State, a medal may be awarded to the service member's next of kin.

**Senate Amendment "A" (S-350)**

This amendment strikes from the committee amendment the General Fund appropriations for the Department of Defense, Veterans and Emergency Management for a medal system to recognize certain members of the United States Armed Forces. The department will have to implement this program using currently budgeted resources.