

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2007

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STATE OF MAINE

123RD 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 123rd 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 563

An Act To Move the Primary Election from June to September

ONTP

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

This bill changes the date of the primary election from the 2nd Tuesday in June to the 2nd Tuesday in September.

LD 585

An Act To Establish Instant Run-off Voting for Gubernatorial Races

ONTP

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

This bill amends the process by which the determination of the election of Governor is determined. It establishes a system for ranking gubernatorial candidates, in order of preference, if more than 2 are listed on the ballot. The bill defines this method as instant run-off voting. Under the bill, this method would be implemented for elections for Governor beginning in 2014. The method provides for rounds of counting. The first round will count all of the highest ranking choices. The candidate with the fewest high ranking votes is eliminated. The remaining, or advancing candidates, will be considered in a subsequent round. Once it is determined that a second round will occur, the bill directs the Secretary of State to administer the run-off process for determining the winning candidate. In this subsequent round, the next highest ranking votes from the ballots that had the eliminated candidate as first choice, are credited to the corresponding advancing candidates. This process continues until only 2 candidates remain. The candidate with the most votes wins the election.

The bill requires that instructions must be placed on sample ballots and on the actual ballot used on election day. Sample ballots would be required to be sent out with actual absentee ballots and posted in or near each voting booth. The bill also provides that a municipality or election authorities may provide for the use of mechanical or electronic devices for marking, sorting, counting and tabulating ballots.

Under this bill, a ballot is determined "exhausted" for the purposes of being counted when: (1) there are no more ranked choices; (2) more than one ranking has been skipped and then counting stops at the ranking where the skipped ranks begin; or (3) when a ballot has the same ranking for more than one candidate, then the ballot is exhausted at that ranking point. The bill provides that if a tie occurs at any stage, determinations are made based on whomever received the most votes at the previous stage. If no previous stage applies, the bill states that the tie must be resolved in accordance with general election laws.

The bill provides that the Secretary of State may limit the total number of rankings to no fewer than 5 candidates and states that two or more candidates may be eliminated simultaneously if the total votes for the two is less than those credited to the next highest ranked candidate.

Finally, this bill provides, that in terms of determining the status of a recognized political party, only the votes for that party's candidate in the initial round of counting shall apply.