

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 663 An Act To Update Absentee Ballot Procedures

**PUBLIC 122
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM	H-102

Current law provides that an immediate family member may request an absentee ballot for a person. This bill, proposed as an emergency measure, amends the definition of immediate family member under the election laws to include domestic partners.

Committee Amendment "A" (H-102)

This amendment clarifies the use of the term "domestic partner" by creating a definition in election law rather than relying on a cross-reference to another title. Current law provides that an immediate family member may request an absentee ballot for a person. This amendment changes the definition of "immediate family" under the election laws to include domestic partners. The definition of "domestic partner" as written in this amendment applies only to election law.

Enacted Law Summary

Current law provides that an immediate family member may request an absentee ballot for a person. Public law, chapter 122 changes the definition of "immediate family" under the election laws to include domestic partners. The definition of "domestic partner" as written in this law applies only to election law. Chapter 122 was enacted as an emergency measure and became effective on May 15, 2007.

LD 683 An Act To Limit the Activities of Political Candidates at Polling Places to Voting

**ACCEPTED ONTP
REPORT**

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

Current law prohibits activities within the voting place and on public property within 250 feet of a voting place that influence or attempt to influence another person's decision regarding a candidate or question on the ballot for election that day. It does not prohibit a candidate from attending the voting place and orally communicating with voters as long as there is no attempt to influence and the candidate does not state the name of the office for which they are seeking election. This bill would limit a candidate's presence at the voting place only to vote.

Committee Amendment "A" (S-92)

This amendment, which was not adopted clarifies the bill's prohibition on candidates' activities at the voting place and creates a separate statutory provision. The amendment adds a further restriction prohibiting a candidate from being within 50 feet of an entrance to a voting place, except for the purposes of voting.

LD 699 Resolve, Establishing the Commission To Improve Certain Aspects of the Citizen Initiative Process

ONTP

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

Joint Standing Committee on Legal and Veterans Affairs

This resolve establishes the Commission To Improve Certain Aspects of the Citizen Initiative Process. The duties of the commission would be to gather data and information to improve the citizen initiative process. The resolve states that the goal of the study is to make information more comprehensive and accessible to citizens, paying particular attention to senior citizens, and to clarify how initiative questions are presented on the ballot.

LD 700 An Act To Limit Expenditures by Political Action Committees

ONTP

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

This bill amends existing law that places limits on contributions made by political action committees in support of the election of a candidate by proposing language to include contributions made against the election of a candidate.

**LD 701 An Act To Authorize the Operation of Slot Machines on Indian Island
in Old Town**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORING SCHNEIDER		H-572

This bill allows the Penobscot Nation to operate 400 of the 1,500 slot machines authorized pursuant to law on Indian Island in Old Town. These machines are subject to regulation by the Gambling Control Board. One percent of gross slot machine income must be distributed to the Treasurer of State for deposit in the General Fund. The Penobscot Nation retains the net slot machine income.

Committee Amendment "A" (H-572)

This amendment replaces the bill. The amendment allows for 400 slot machines, to be operated by a federally recognized Indian tribe that is licensed to conduct high-stakes beano as of January 1, 2007. The license would be subject to existing licensing requirements and oversight by the Gambling Control Board. The initial license fee for the slot machine license established by this amendment, based on the maximum of 400 machines, is \$55,000 and the annual renewal fee is \$20,000. One percent of the gross slot machine revenue would be required to be deposited to the General Fund. Thirty-eight percent of the net slot machine revenue from slot machines operated by a federally recognized Indian tribe under this amendment would be distributed as follows:

- A. Three percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board;
- B. Two and one half percent to the University of Maine System Scholarship Fund;
- C. Two and one half percent to the Maine Community College System to fund its scholarships program;
- D. Five percent to the Maine Community College System;
- E. Five percent to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services;
- F. Five percent to the Maine Technology Institute;
- G. Five percent, in equal amounts, to nonprofit organizations licensed as of January 1, 2007 to conduct beano within