

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

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

May 2008

STAFF:

DANIELLE D. FOX, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Legal and Veterans Affairs

LD 701

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

VETOED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORING SCHNEIDER	OTP-AM	H-788 H-923 PATRICK S-582 MARRACHE

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 "B" (H-788)

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:

1. 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;
2. Two and one half percent to the University of Maine System Scholarship Fund;
3. Two and one half percent to the Maine Community College System to fund its scholarships program;
4. Five percent to the Maine Community College System;
5. Five percent to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services;
6. Five percent to the Maine Technology Institute;
7. Five percent, in equal amounts, to nonprofit organizations licensed as of January 1, 2007 to conduct beano within 75 miles of where slot machines are operated by a federally recognized Indian tribe in the State;
8. Five percent to the bordering municipality with the highest population where slot machines are operated by a federally recognized Indian tribe that is licensed to conduct high-stakes beano; and
9. Five percent to be distributed to other federally recognized Indian tribes in the State that are not licensed to operate slot machines.

House Amendment "B" (H-923)

This amendment incorporates the changes made by House Amendment "A" to Committee Amendment "B" and reduces the initial application fee and the annual renewal fee for a license to operate slot machines held by a federally recognized Indian tribe licensed to operate high-stakes beano to reflect the lower number of slot machines that are authorized to be operated.

Joint Standing Committee on Legal and Veterans Affairs

Senate Amendment "A" (S-582)

This amendment restricts eligibility for a license to operate slot machines to a federally recognized Indian tribe located on Indian Island.

LD 1150 An Act To Establish Random Audits of Voting Machines

ONTP

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

This bill, which was carried over from the First Regular Session, establishes a procedure for regular scientific audits of the State's election machinery on a biennial basis, by means of manually recounting the ballots from a random sample from all voting machines in the State. The bill also establishes an escalating recount procedure in the event that unacceptable discrepancies are discovered during the random sample recount process, and it mandates the regular statistical analysis of those discrepancies. This bill establishes the Maine Electoral Transparency Fund to provide reimbursement for costs incurred in performing the recounts. Resources of the fund come from an income tax check off and voluntary contributions.

LD 1393 An Act Regarding Grassroots Lobbying

DIED BETWEEN
HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-479

This bill amends the definition of "expenditure" and adds the term "domestic partner" in the definition of "immediate family" in the laws governing lobbyist disclosure procedures. It repeals the Maine Revised Statutes, Title 3, section 315, which was replaced by section 315-A. It provides the Commission on Governmental Ethics and Election Practices the authority to audit and investigate information contained in lobbyists' and employers' registrations and reports and grants the commission subpoena power to accomplish this.

LD 1393 was carried over from the First Regular Session to be used as a vehicle to consider proposals regarding lobbying and lobbyist disclosure made by other bills that were voted ought not to pass.

Committee Amendment "A" (S-479)

This amendment replaces the bill. The amendment defines "grassroots lobbying." It provides that a person who already files reports as a lobbyist must disclose grassroots lobbying payments and expenditures in their monthly reports. For a person who does not file reports as a lobbyist, the amendment requires disclosure of grassroots lobbying expenditures once \$2,000 has been spent on grassroots lobbying.

LD 1394 An Act Regarding Campaign Finance Disclosure by Political Action Committees

PUBLIC 477

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-402

This bill, which was carried over from the First Regular session, defines a political action committee as an organization whose major purpose is to influence elections and that raises or spends more than \$1,500 to influence