

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

75 miles of where slot machines are operated by a federally recognized Indian tribe in the State;

H. 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

I. Five percent to be distributed to other federally recognized Indian tribes in the State that are not licensed to operate slot machines.

LD 701 was carried over pursuant to Joint Order, HP 1369.

LD 730 Resolve, Authorizing Matthew Haskell To Sue the State

**ACCEPTED ONTP
REPORT**

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

This resolve authorizes Matthew Haskell to bring a civil action against the Department of Health and Human Services for damages in connection with actions taken by the Department of Health and Human Services.

Committee Amendment "A" (H-288)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

LD 731 An Act To Preserve the Integrity of Elections by Removing the Requirement for a Challenge Affidavit

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FLETCHER | ONTP | |

This bill amends the law that provides that any voter of any municipality may challenge the right of another to vote. It strikes the requirement that a challenge must be made in the form of a signed affidavit under oath administered by the warden. Under current law, the affidavit must state the challenger's name, address, party affiliation, voter registration status in the municipality, the reason the challenged person may be ineligible to vote, the source of the information or personal knowledge on which the challenge is based. It also provides that a false statement is punishable under the penalties of perjury. This bill would lessen the existing challenge requirements and require only that the challenger state his or her name, the name of the voter challenged and the reason for the challenge.

LD 732 An Act To Improve the Candidate Nomination and Replacement Process

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FLETCHER | ONTP | |

Current law provides that a political committee may nominate a replacement candidate following a candidate's withdrawal in accordance with the following provisions:

- the candidate who has withdrawn was nominated via primary election, and;
- the candidate who has withdrawn, did so by the 2nd Monday in July; or

Joint Standing Committee on Legal and Veterans Affairs

- the candidate withdrew due to becoming permanently and continuously incapacitated; or
- the candidate died.

The replacement candidate must be nominated by the 4th Monday in July preceding the general election (or as soon as practicable if the candidate withdrew because of incapacitation or the candidate died).

This bill would allow the party to name a replacement for a candidate who withdrew after only filing a primary petition with the Secretary of State. Current law provides that certified primary petitions must be filed by March 15th.

**LD 805 An Act To Authorize a Tribal Commercial Track and Slot Machines in
Washington County**

VETO SUSTAINED

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP MAJ ONTP MIN | S-37 MARRACHE |

This bill was presented to the 123rd Legislature as a result of the citizen initiative process provided for by the Constitution of Maine. The bill amends the current framework that authorizes and regulates the existing racino in Bangor to allow for slot machines to be operated at a tribal commercial harness racing track in Washington County.

Currently, a commercial track operator is eligible for a slot machine operator license. This bill creates a tribal commercial track, comparable to a commercial track, and provides that the tribal track would be eligible for a license to operate slot machines. Under this bill, a tribal commercial track would be more than 90 miles from an existing commercial track and within 45 miles of tribal land. A tribal commercial track would be required to race a minimum of 25 days annually. LD 805 places the same requirements on a tribal commercial track that exist for regular commercial tracks including payments to the state, off-track betting facilities, agricultural fairs and other industry related funds. All licensing requirements in existing law would apply to a tribal commercial track slot machine facility. The current statewide limit for slot machines is 1500. LD 805 raises that limit to 3000.

The distribution of slot machine revenue would be the same for a tribal racino as is required by law for the Bangor racino with the following exceptions:

- 1) The revenue from the tribal racino required to be distributed for scholarships at the University System and Community Colleges would be dedicated to campuses in Washington County.
- 2) The tribal racino also makes two additional distributions - 1% to the Washington County Development Authority and 1% to career and technical education centers in Washington County.

Finally, this initiated bill provides for a license to conduct high-stakes beano on non-tribal land in Washington County and that the license may be issued jointly to all Federally recognized tribes in the state.

This bill was passed by the Legislature without change, in accordance with the Constitution Maine, but then vetoed by the Governor. The veto was sustained. In accordance with the Constitution of Maine, this initiated bill will be put before the people of the state for a vote in November 2007.

Senate Amendment "A" (S-37)

This amendment incorporates a fiscal note.