

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 999 An Act To Improve Transportation for Veterans

P & S 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	S-365 ROTUNDO S-55

This bill makes ongoing General Fund appropriations of \$15,000 per year to support the operating costs of the disabled American veterans transportation network, which provides round-trip transportation services to Veterans' Administration medical facilities.

Committee Amendment "A" (S-55)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-365)

This amendment reduces the annual General Fund appropriations to \$12,500 per year and limits the funding to the 2008-2009 biennium.

Enacted Law Summary

Private and Special Law 2007, chapter 30 makes a one-time General Fund appropriation of \$12,500 to support the operating costs of the disabled American veterans transportation network, which provides round-trip transportation services to Veterans' Administration medical facilities.

LD 1008 Resolve, Directing the Commission on Governmental Ethics and Election Practices To Provide Historical Data Regarding the Receipt and Resolution of Complaints Pertaining to Legislative Ethics Violations

RESOLVE 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-228

This bill amends the legislative ethics laws, as recommended by a 15-member study group created during the Second Regular Session of the 122nd Legislature: the Presiding Officers' Advisory Committee on Legislative Ethics. It broadens the definition of "conflict of interest" and increases protection against possible undue influence by Legislators. It also changes the workings of the Commission on Governmental Ethics and Election Practices to require that most commission proceedings on legislative ethics be conducted in public and to allow members of the public to file complaints regarding possible violations of legislative ethics laws. Finally, the bill rearranges, rewrites and edits several provisions of the law to make it easier to read and understand.

Under current law and rules of the Legislature, a Legislator is prohibited from voting on legislation on the grounds of conflict of interest only if the Legislator or certain family members or business associates would derive a unique and distinct benefit from the legislation. This bill proposes that a Legislator faces a conflict of interest in voting if the Legislator or an immediate family member or close economic associate of the Legislator would be benefited or harmed by the legislation to a degree that is significantly greater than similarly situated persons or entities or the Legislator, a member of the Legislator's immediate family or a close economic associate is a member of a small group of persons or entities that derive a significant benefit or harm from the proposed legislation.

The bill revises the limits on Legislators appearing before state agencies. Current law allows Legislators who

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are lawyers or other professional persons to represent clients before state agencies as long as they do not refer to their legislative capacity, but prohibits other Legislators from doing so. This bill prohibits a Legislator from representing a client before a state agency if the Legislator is a member of the joint standing committee with jurisdiction over that state agency. In such instances, a department and its staff would be more likely to know the identity of the Legislator and be influenced in their decision making by the Legislator's influence over the agency's policies and budget. Exceptions to the prohibition are made for representation before courts, uncompensated representation for a constituent and representation involving only the agency's ministerial, nondiscretionary functions.

The bill provides that the committee jurisdiction be determined by definition of the Legislature, including matters such as jurisdiction for purposes of referencing bills or for budget review by a policy committee.

The bill allows members of the public to file complaints alleging a violation of legislative ethics with the Commission on Governmental Ethics and Election Practices. A complaint must relate to a sitting Legislator but may refer to conduct that occurred within 2 years prior to the complaint. The bill requires the commission to conduct an initial review of all complaints in executive session to screen out frivolous or bad-faith accusations. If the commission does not have its full complement of 5 members, the bill proposes that a vote of 2 members would be sufficient to pursue a complaint. Once the commission votes to pursue a complaint, all commission meetings on the complaint must be conducted in public. Current law allows the commission to order a complainant to reimburse the subject of a complaint for costs incurred if the commission finds the complaint to be "groundless and without foundation." The bill changes the standard to "frivolous" complaints and those "filed in bad faith." These standards are more commonly used in courts and other situations. The bill allows a person to appeal a commission order under this provision pursuant to the Maine Administrative Procedure Act.

The bill provides that a complaint and most investigative records relating to the complaint are public records once the commission votes to pursue the complaint. If the commission votes not to pursue the complaint, the complaint and investigative records remain confidential. As under current law, the commission's findings of fact and recommendations are public records. The bill prohibits communication between commission members and a complainant or the subject of a complaint while a complaint is pending before the commission. It also requires the commission to make reasonable efforts to resolve a complaint within 90 days of its filing and replaces current process provisions with a requirement that the commission adopt rules regarding the conduct of its investigations and hearings.

The bill revises the structure of the legislative ethics laws to create a definition of "violation of legislative ethics" and to designate the term "conflict of interest" as referring specifically to conflicts regarding voting or advocating on legislation. Other violations of legislative ethics are specifically set out as under current law, such as "undue influence" and "abuse of position." Rather than referring to these as "conflicts of interest," the bill classifies them as violations of legislative ethics. The law specifically authorizes the commission to hear complaints and make recommendations to the Senate and the House of Representatives regarding these violations of legislative ethics statutes.

The Presiding Officers' Advisory Committee on Legislative Ethics also proposed a number of changes to the Legislature's Joint Rules and the rules of the Senate and the House of Representatives relating to ethics and the process for addressing concerns about ethics. Recommendations for amendments to the rules, which are matters of internal procedure reserved for the House and Senate, will be presented separately from this bill to the Joint Select Committee on Joint Rules for their consideration.

Committee Amendment "A" (S-228)

This amendment replaces the bill. The amendment creates a resolve that directs the executive director of the Commission on Governmental Ethics and Election Practices to provide historical data regarding complaints received

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about legislative ethics violations during the past 10 years. The resolve requires the report to be submitted to the Joint Standing Committee on Legal and Veterans Affairs by February 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 81 directs the executive director of the Commission on Governmental Ethics and Election Practices to provide historical data regarding complaints received about legislative ethics violations during the past 10 years. The resolve requires the report to be submitted to the Joint Standing Committee on Legal and Veterans Affairs by February 15, 2008.

LD 1023 An Act To Designate Special Funds To Help Support Maine Military Families

ONTP

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

This bill requires the Lottery Commission, in consultation with Bureau of Veterans Services within the Department of Defense, Veterans and Emergency Management to develop and initiate a lottery game to raise money for the Veterans' Cash Fund that is established by this bill. The bill provides the fund is held separately from other accounts and that its sole purpose is to provide services and benefits to veterans in a manner determined by Bureau of Veterans Services.

LD 1049 An Act To Require Wholesale Distributors of Alcoholic Beverages To Report the Quantity of Liquor Sold to Individual Licensees

ONTP

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

This bill requires the wholesale distributor of spirits to issue quarterly reports to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations showing the quantity of spirits and fortified wine sold and distributed to each establishment licensed by the State to sell spirits and fortified wine for off-premises consumption in the State. It also requires wholesale distributors of malt liquor, wine and fortified wine to issue quarterly reports to the Department of Public Safety, Division of Liquor Licensing and Compliance showing the quantity of malt liquor, wine and fortified wine sold and distributed to individual off-premises licensees.

LD 1050 An Act To Prohibit Payment for the Gathering of Petition Signatures

ONTP

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

This bill amends the laws that govern the circulation of petitions for citizen initiatives and people's veto. The bill prohibits a citizen petition or people's veto applicant from paying or offering to pay compensation to petition circulators.