

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**

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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

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

Joint Standing Committee on Legal and Veterans Affairs

an election. The definition also refers to a separate or segregated fund established to influence elections. The bill also requires that an organization that does not have a major purpose to influence elections form an affiliated political action committee if the organization spends more than \$5,000 in any calendar year to influence an election. The bill also establishes how a political action committee affiliated with another organization must report contributions, funds transfers and donated staff time from that organization. The bill repeals the Maine Revised Statutes, Title 21-A, section 1056-B, which required reports from any person other than a political action committee than raised or spent more than \$1,500 to influence an election.

Committee Amendment "A" (S-402)

This amendment replaces the bill. It amends the definition of "political action committee" by adding clarifying language and by including in the definition, any organization whose major purpose is not influencing candidate elections but spends more than \$5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office. The amendment specifies that political action committees must file a report with the Commission on Governmental Ethics and Election Practices within 7 days of meeting the definition of "political action committee" and clarifies what must be included in the report. This amendment also changes the reporting threshold from \$1,500 to \$5,000 for persons who are not political action committees but make expenditures, including paid staff resources, for the purposes of influencing a ballot measure. Those required to file a report under this requirement are called ballot question committees. Ballot question committees, under this amendment, are required to report expenditures and contributions from a single source aggregating in excess of \$100 in any election that were made for the purpose of influencing a ballot measure. The amendment specifies what is considered a contribution for the purposes of filing a ballot measure committee report and details record-keeping requirements.

Enacted Law Summary

Public Law 2007, chapter 477 amends the definition of "political action committee" by adding clarifying language and by including in the definition, any organization whose major purpose is not influencing candidate elections but spends more than \$5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office. It specifies that political action committees must file a report with the Commission on Governmental Ethics and Election Practices within 7 days of meeting the definition of "political action committee" and clarifies what must be included in the report. It also changes the reporting threshold from \$1,500 to \$5,000 for persons who are not political action committees but make expenditures, including paid staff resources, for the purposes of influencing a ballot measure. Those who file a report under this requirement are called ballot question committees. Under chapter 477, ballot question committees, are required to report expenditures and contributions from a single source aggregating in excess of \$100 in any election that were made for the purpose of influencing a ballot measure. Finally, this law specifies what is considered a contribution for the purposes of filing a ballot measure committee report and details record-keeping requirements.

LD 1744 An Act To Join the Interstate Compact on the National Popular Vote

INDEF PP

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

This bill was carried over from the First Regular Session, proposes to adopt the interstate compact that is the agreement among the states to elect the President of the United States by national popular vote. Under the compact and the bill, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the presidency. Under this bill, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia.

This bill would take effect only when enacted by states possessing a majority of the electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538.