

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 1422 An Act To Allow Nonprofit Organizations To Operate Certain Games of Chance without a License

PUBLIC 254

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-168

Current law requires a license for any game of chance where a person pays up to \$1 for a chance to play and may receive a prize of money or something of value.

This bill provides that a license to hold, conduct or operate a game of chance is not required of a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization or an auxiliary of any of these organizations if all of the prizes awarded in that game of chance are non-monetary with a value of under \$10 and a chance costs \$1 or less.

Committee Amendment "A" (S-168)

This amendment replaces the bill, which allowed for the operation of games of chance by a nonprofit organization without a license. The amendment instead provides that certain games of chance that are intended for play by children at festival-style events may be operated by persons under 16 years of age and may be played by persons under 16 who are not accompanied by an adult. This exception to current law and rule would apply only to games in which a nonmonetary prize valued at less than \$10 is awarded for every chance played and would require approval from the Chief of the State Police.

Enacted Law Summary

Public Law 2007, chapter 254 provides that certain games of chance that are intended for play by children at festival-style events may be operated by persons under 16 years of age and may be played by persons under 16 who are not accompanied by an adult. This exception to current law and rule would apply only to games in which a nonmonetary prize valued at less than \$10 is awarded for every chance played and would require approval from the Chief of the State Police.

LD 1497 An Act To Improve Local Control over Bars

ONTP

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

This bill amends a section of law that applies generally to all licensees and governs the hours during which liquor may be sold. This bill adds a provision to that law that would permit a municipality to enact a local ordinance that establishes different closing times. It also provides that when a municipality is considering the issuance, transfer or renewal of a license, it may not use as justification for denial non-compliance with a municipal "closing time" ordinance.

LD 1498 An Act To Prohibit Out-of-state Corporations from Contributing to State and County Elections

ONTP

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

This bill prohibits a contribution to a county or state election for an initiative, referendum or candidacy for political office by an out-of-state corporation and provides for a suit by a citizen of the State or the Attorney General, with

Joint Standing Committee on Legal and Veterans Affairs

damages if the out-of-state corporation loses to equal 10 times the amount of the contribution.

LD 1499 An Act To Improve the Maine Clean Election Act

ONTP

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

This bill makes the following changes to the Maine Clean Election Act.

1. It increases the number of qualifying contributions that a candidate for the State Senate must collect from 150 to 300.
2. It prohibits the use of revenues that a candidate receives from the Maine Clean Election Fund from being used for meals or for maintenance of motor vehicles.
3. It permits a Maine Clean Election Act candidate to accept the offer of an organization that is independent of the candidate and the candidate's committee to send a mailing.

The proposals in this bill were considered in a larger, comprehensive bill that addressed campaign finance and the Maine Clean Election Act, LD 1854.

LD 1507 An Act Regarding Political Activities of Corporations

INDEF PP

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

This bill amends a section of statute governing the general powers of corporations. It specifies that a corporation may not take part in a political debate or campaigns or support political parties or candidates except as authorized by law. It also states that a corporation may not participate in a public initiative or referendum that does materially affect the property, business or assets of the corporation.

Committee Amendment "A" (S-187)

This amendment, which was not adopted, is the majority report of the committee. It strikes political debate from the list of political activities that corporations would be prohibited from taking part in as proposed by the bill.

LD 1522 An Act To Modify the Citizen Initiative Process

ONTP

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

This bill amends the statutes that set up a statutory framework for the Constitutionally-provided citizen initiative process. The bill requires the Secretary of State to request assistance from the Office of Fiscal and Program Review in determining whether a direct initiative will have a fiscal impact. If the Office of Fiscal and Program Review determines that the direct initiative has a cost other than the cost associated with conducting a referendum on the direct initiative, the person who submitted the direct initiative must indicate in a subsequent draft of the direct initiative submitted to the Secretary of State how the cost of the direct initiative will be paid. The bill also requires