

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 1651 An Act To Permit the Use of Surety Bonds in Lieu of Security Deposits

PUBLIC 370

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP	

This bill allows tenants, at their sole option, to purchase surety bonds in lieu of some or all of a required security deposit for the purpose of assisting tenants who have insufficient resources to provide a security deposit for a residential dwelling unit. The bill also sets forth a series of restrictions on the issuance of surety bonds, including required disclosures to tenants, limitations on when and how a landlord can draw upon a surety bond and establishment of a tenant's right of action in the event of wrongful assessment of surety bond.

Enacted Law Summary

Public Law 2007, chapter 370 allows tenants, at their option, to purchase surety bonds in lieu of some or all of a required security deposit for the purpose of assisting tenants who have insufficient resources to provide a security deposit for a residential dwelling unit. The law also sets forth a series of restrictions on the issuance of surety bonds, including required disclosures to tenants, limitations on when and how a landlord can draw upon a surety bond and establishment of a tenant's right of action in the event of wrongful assessment of surety bond.

LD 1679 An Act To Change and Clarify the Maine Clean Election Laws

ONTP

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

This bill extends the period that certain expenditures under the Maine Clean Election Act are deemed independent expenditures from 21 days to 60 days prior to an election. This bill also repeals the provision in the Maine Clean Election Act that gives a longer qualifying period to unenrolled candidates. It also adds a provision to the terms of participation of the Maine Clean Election Act requiring a candidate to maintain the same enrollment status the candidate held at the time of the preceding general election prior to seeking certification as a Maine Clean Election Act candidate. The bill directs the Commission on Governmental Ethics and Election Practices to adopt rules that will: permit a candidate to reuse campaign signs from a prior election without updating disclaimers; establish an equitable formula for the allowance of travel expenses based on the square miles in a candidate's legislative district; and permit primary funds to be spent during a general election if a candidate was unopposed in the primary. Finally, this bill directs the commission to issue a report that suggests a statutory mechanism for narrowing to one the number of unenrolled gubernatorial candidates that may receive Maine Clean Election Act funds.

LD 1680 An Act To Reform and Simplify the Clean Election Process

ONTP

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

This bill amends the Maine Clean Election Act by combining seed money and qualifying contributions into one qualifying system. Rather than seed money, a candidate would be able to spend qualifying contributions prior to certification as a Maine Clean Election Act candidate. Qualifying contributions, which may be made by either cash or money order under this bill, are defined as any amount between \$5 and \$40 payable to the candidate or the

Joint Standing Committee on Legal and Veterans Affairs

campaign and must come from the candidate's district. To be certified as a Maine Clean Election Act candidate, the candidate must raise qualifying contributions in numbers and amounts as follows:

	Minimum number of contributors	Total sum required to qualify
For House	50	\$500
For Senate	150	\$1,500
For Governor	2,500	\$25,000

The number of required contributors remains the same as in present law, but the minimum amount of money required is doubled from \$5 per check to what would be an average of \$10 if only the minimum number were obtained. Each \$5 contribution still counts and contributions up to \$40 are acceptable. Instead of turning checks in to the commission, this bill provides that candidates submit an acknowledgment receipt signed by each contributor as evidence of the payment and support.

Under this bill, initial distributions from the Maine Clean Election Fund to a candidate certified as a Maine Clean Election Act candidate are reduced by one-half of the qualifying contributions collected. Under this bill, the qualifying period would begin on November 1st of the year prior to an election year for candidates for all offices. Current law provides that November 1st is the beginning of the qualifying period for just gubernatorial candidates. The bill repeals a provision that presently allows an unenrolled candidate to receive a distribution equal to a primary or general election campaign distributions in uncontested races if the candidate qualifies before April 15th. For unenrolled candidates, distributions are set at 40% of those available to a party candidate unless the unenrolled candidate obtains a number of contributors equal to 160% of those required for a party candidate. The total dollar sum of contributions required by current law remains the same for party and for unenrolled candidates under this bill.

This bill prohibits a registered voter from making a qualifying contribution to more than one candidate for the same office. This bill removes a provision that permits a candidate to pay the fee for money orders to be used as qualifying contributions since it provides for the authorization of cash transactions for qualifying contributions. The bill provides that no revenue from the Maine Clean Election Fund may be pledged or applied to the collection of qualifying contributions.

This bill expands from 21 days to 42 days the period before an election in which a paid communication is deemed to be an independent expenditure if it clearly identifies a candidate on the ballot.

The bill also adds a private funding option for candidates. Before April 15th of an election year, a candidate whose campaign is supported by private contributions may request that the Commission on Governmental Ethics and Election Practices provide matching fund protections of the Maine Clean Election Act if the candidate agrees to limit and does, in fact, limit campaign contributions and expenditures to the amount that would be authorized for distribution to the candidate if the candidate were qualified as a Maine Clean Election Act candidate. A candidate making such an election is entitled to public matching funds in the same manner as a qualified Maine Clean Election Act candidate.

This bill was considered with a larger comprehensive bill that addressed campaign finance and the Maine Clean Election Act, LD 1854.

LD 1682 An Act To Improve Maine's Clean Election Law

ONTP

Sponsor(s)

RAYE

Committee Report

ONTP

Amendments Adopted