

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 1740 An Act To Amend the Maine Clean Election Act

ONTP

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

This bill increases the contribution limits in current law for legislative and gubernatorial candidates. Under this bill, individuals may make contributions aggregating up to \$1,000 for a gubernatorial candidate, \$750 to a candidate for the state Senate and \$500 to a candidate for the state House of Representatives. This bill specifies that seed money contributions for a candidate seeking certification as a Maine Clean Election Act candidate must come from voters within the candidate's voting district and that a minimum amount must be collected in order to become certified as a Maine Clean Election Act candidate.

The bill also changes current law to exclude the distribution of matching funds in primary elections. Finally, this bill includes seed money raised by a Maine Clean Election Act candidate in the formula used to determine whether a candidate may receive matching funds.

The proposals in this bill were considered with a large comprehensive bill addressing campaign finance and the Maine Clean Election Act, LD 1854.

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

CARRIED OVER

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

This bill 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.

LD 1744 was carried over pursuant to Joint Order, HP 1369.

LD 1757 An Act To Establish a Pricing Formula for Liquor Sales and To Adjust Agent Discounts

DIED IN CONCURRENCE

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a pricing formula for liquor sales and to adjust agent discounts. The pricing formula should promote transparency, enhance market predictability, promote fairness and increase Maine's competitiveness with neighboring states. Agent discounts should increase incrementally, be funded through increased revenues and other sources and be revenue-neutral to the

Joint Standing Committee on Legal and Veterans Affairs

State.

LD 1761 An Act To Amend the Election Laws

PUBLIC 455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM	H-489 S-389 MARTIN

This bill adds a definition for "domestic partner" and includes a domestic partner in the definition of "immediate family." The bill also adds definitions for "voting booth," "voting station," "accessible voting system" and "voting system." The bill clarifies who is ineligible to serve as registrar of voters. It also makes changes to the process for a voter registration appeals hearing by specifying the minimum time period for written notice, establishing that the hearing is a de novo hearing and requiring that a voter be kept in the central voter registration system and allowed to cast a challenged ballot until the appeals are exhausted. The bill specifies that a person loses a voting residence when that person registers to vote in another state. It also clarifies the requirements for the name by which a voter may register to vote and for how a candidate's name may be listed on a state ballot. The bill clarifies the requirements for change of enrollment, including the restrictions during the 15-day period until the change becomes effective. The bill also makes the language on prohibited party names or political designations consistent with other laws on prohibited names. The bill prohibits a candidate from withdrawing less than 60 days before a primary or general election. The bill clarifies the Secretary of State's authority to determine the format of all instructional election materials. The bill clarifies that the requirements for providing test ballots apply to other voting devices, such as the accessible voting system. It also clarifies that the minimum requirement to allow one poll watcher from each of the qualified parties applies to each segment of the incoming voting list if the municipality divides the list by voting district or by the alphabetic listing of the voters' names. This bill clarifies the requirements for the accessible voting system and prohibits the municipality from using the accessible voting system for purposes other than voting. This bill also clarifies the process for establishing and consolidating voting places, as distinct from the process of establishing or consolidating voting districts. It also clarifies the process for facilitating a voter's use of the accessible voting system. The bill clarifies how a voter may receive assistance from another person in voting. This bill clarifies the process for an election official to challenge a voter as well as the process for the registrar to resolve the status of challenged voters after the election. The bill eliminates the use of stickers for write-in candidates at a primary election. It also changes the deadline for a write-in candidate to file a declaration of write-in candidacy to 5 p.m. on the 3rd business day prior to the election and provides that a write-in vote may not be counted as valid unless the name is of a person who has filed a declaration of write-in candidacy by the deadline. This bill restricts absentee voting on the day before election day and on election day to ballots requested in writing and issued for voting outside the presence of the clerk and further provides that a clerk does not have to issue a ballot by mail if the request is received on election day or on the day before election day if the voter is outside the municipality.

Committee Amendment "A" (H-489)

This amendment removes the provision of the bill that amends the definition of "immediate family" to include a domestic partner as that amendment has already been enacted by another bill. The amendment adds clarifying language to the prohibition in the bill that a registrar may not serve during an election period if a member of the registrar's immediate family is a candidate for office in the electoral division in which the registrar serves. The clarification states that the election period is the time beginning when the immediate family member becomes a candidate up until the election.

The amendment also removes provisions in the bill regarding change of enrollment in a party including a provision that would require a replacement candidate to be enrolled in the same party as the person that candidate is replacing on the day that candidate is nominated.

The amendment also removes a provision that would have the warden reject an absentee ballot that was given