

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

selection in the Maine Community College System;

11. One percent of the net gaming device income must be distributed to the Finance Authority of Maine for its NextGen First Step Grant program to assist residents of this State in saving for college tuition;

12. One percent of the net gaming device income must be distributed to towns to be used for regionalization efforts of towns that express interest in reducing and eliminating duplicative municipal services;

13. One percent of the net gaming device income must be distributed to help fund raising the minimum wage to a level comparable with a livable wage for the resident workers in this State of \$7.70 per hour in 2008 and \$8.40 in 2009 and in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W index, thereafter;

14. One percent of the net gaming device income must be distributed for grants to residents of this State who demonstrate energy efficiency and conservation proficiency, such as rebates for purchasers of hybrid and biodiesel-capable vehicles and biofuel for home and business heating, and grants for residents of this State to develop such clean and efficient fuel technologies;

15. One percent of the net gaming device income must be distributed for the improvement of the water quality of the rivers of this State and the technology to allow paper mills and waste treatment plants to eliminate the toxins they release into rivers;

16. One percent of the net gaming device income must be distributed to public access television stations in this State for the improvement of technology and programming;

17. One percent of the net gaming device income must be distributed for funding residents of this State who are 15 years of age to 30 years of age to support ideas and projects that will stimulate the creative economy in this State, enhance technology, improve civic engagement or otherwise effect positive community change;

18. One percent of the net gaming device income must be distributed for programs to protect gaming patrons against the risks of gambling, including gambling addiction counseling services and monitoring patrons who may be at risk and have a propensity for problem gambling;

19. Two percent of the net gaming device income must be forwarded directly to any municipality in which the gaming facility is located; and

20. One percent of the net gaming device income must be forwarded directly to Oxford County to pay for mitigation of costs resulting from gaming operations.

Part B requires the Department of Public Safety, Gambling Control Board to report by January 15, 2008 to the Governor and the Legislature on including in the board's regulatory authority games of chance and gaming devices other than slot machines. Part B requires another report by the board by March 15, 2008 on the effectiveness of the board in regulating the operation of gaming devices and slot machines.

LD 1854 **An Act Regarding Campaign Finance Reporting and the Maine Clean Election Act**

PUBLIC 443

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-279

Joint Standing Committee on Legal and Veterans Affairs

Part A makes changes affecting campaign finance reports in the Maine Revised Statutes, Title 21-A, chapter 13. Specifically, Part A:

1. Amends the definition of "person" to remove the word "group";
2. Eliminates the requirement that the office of the Commission on Governmental Ethics and Election Practices remain open after 5:00 p.m. on election day;
3. Adds the term "domestic partner" in sections referring to a candidate's spouse and includes a definition for the term in the general definition section for Title 21-A;
4. Exempts lists of registered voters obtained by party committees from the definitions of "contributions" and "expenditures";
5. Includes facilities owned by a candidate's immediate family in determining whether an exception to expenditure is applicable;
6. Clarifies that a state party committee can provide a total of only 20 hours of assistance to a candidate in an election without making a contribution to that candidate and expands the type of service provided from "advice" to "assistance";
7. Allows party candidate listings to treat federal candidates differently from other state candidates if required by federal election law and to include campaign slogans and logos;
8. Eliminates the requirement that Maine Clean Election Act candidates sign and file the voluntary spending limits statement;
9. Requires an outgoing treasurer to certify in writing the accuracy of a campaign's records;
10. Removes the requirement that the address be included in the disclosure statement in campaign communications financed by the candidate that are aired on the radio;
11. Requires that communications that name or depict a clearly identified candidate within 21 days before a primary election or 60 days before a general election contain the disclosure statement, unless the communication's purpose has a purpose other than influencing an election;
12. Extends the prohibition against broadcasting communications without the disclosure statement to agents of a broadcasting station and to online versions of newspapers;
13. Extends the time period during which fines will be assessed for communications that lack the disclosure statement;
14. Establishes disclosure requirements regarding certain automated and live telephone calls to voters;
15. Clarifies that funds that are earmarked for a candidate through a conduit or intermediary are considered contributions to the candidate;
16. Clarifies expenditure limitations in legislative elections;
17. Requires that sole proprietorships and their owners be treated as a single entity for the purposes of contribution limits;

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18. Removes the requirement that federal candidates and state party committees file federal campaign finance reports with the commission;
19. Revises the report filing schedule for candidates, party committees and political action committees to allow the commission to have more complete information upon which to base matching fund calculations;
20. Establishes a single 24-hour reporting requirement applicable to all candidates, party committees and political action committees;
21. Changes the amount of a campaign surplus or deficit from \$50 to \$100 that requires candidates to file semiannual reports with the commission;
22. Requires party committees to retain records of contributions and expenditures and receipts for expenditures;
23. Expands the period during which a communication that names or depicts a clearly identified candidate is presumed to be an independent expenditure to 21 days before a primary election or 60 days before a general election and requires independent expenditure reports to contain a description of the communications made;
24. Increases the fine for not registering as a candidate from \$10 to \$100 and raises the amount of the penalty waiver for a late-filed report for candidates, party committees and political action committees from \$5 to \$10;
25. Clarifies when an electronically submitted or facsimile copy is allowed;
26. Increases the triggering threshold for political action committees from \$50 to \$1,500;
27. Requires political action committees to identify, upon registering, Legislators who have a significant role in fund-raising or decision-making for the committee;
28. Requires political action committees to file an initial campaign finance report upon registering with the commission; and
29. Clarifies the conditions for dissolving a political action committee.

Part B makes changes affecting the Maine Clean Election Act in the Maine Revised Statutes, Title 21-A, chapter 14. Specifically, Part B:

1. Adds a definition of "immediate family";
2. Clarifies the requirements for a valid qualifying contribution;
3. Requires that seed money come from Maine residents only and adds restrictions in collection and use of seed money;
4. Requires a transfer of funds to the Maine Clean Election Fund on or before September 1st of each year, instead of January 1st, beginning on September 1, 2010;
5. Allows the commission to request an advance on the annual amount to be transferred if there will be insufficient funds for an upcoming election;
6. Clarifies that Maine Clean Election Act funds cannot be used to pay for goods and services received during the qualifying period;

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7. Adds new conditions for certification, including whether a candidate has made material false statements to the commission or has been denied certification or had certification revoked due to substantial violations of election laws;
8. Requires gubernatorial candidates to raise at least \$15,000 in seed money in order to be certified and establishes procedures for the documentation of seed money contributions to gubernatorial candidates seeking certification;
9. Extends the period of time the commission has to certify gubernatorial candidates and allows the commission to take additional time to certify a candidate if a compliance investigation is necessary;
10. Creates a process for the commission to revoke certification;
11. Increases the amount of the initial distribution to a gubernatorial candidate in the general election to \$600,000 and limits the amount of matching to an equivalent amount;
12. Prohibits Maine Clean Election Act candidates from using public funds to pay for services provided by the candidate or immediate family members;
13. Requires the commission staff to audit all gubernatorial candidates who receive Maine Clean Election Act funds and requires gubernatorial candidates and campaign staff to meet with the commission staff in order to discuss spending and record-keeping requirements within one month of the candidate's declaring an intention to seek public financing under the Maine Clean Election Act;
14. Clarifies the matching funds provision to include all contributions and fund distributions in calculating matching funds;
15. Clarifies the amount and timing of distributions to unenrolled candidates; and
16. Updates the provisions regarding appeals from the commission's decisions regarding certification.

Committee Amendment "A" (S-279)

This amendment strikes a provision of the bill that would have provided that the office of the Commission on Governmental Ethics and Election Practices does not have to be open until 8:00 p.m. on election day. The amendment increases from 20 to 40 the number of hours of assistance party committee employees can provide before such assistance is considered a contribution or an expenditure. The amendment clarifies that the disclosure required for authorized candidate advertisements does not include the address of the person who financed the advertisements whether broadcast on radio or television. The amendment changes from 60 days, as proposed by the bill, to 35 days the period of time before a general election during which there is a rebuttable presumption that a communication clearly depicting a candidate is an independent expenditure. In accordance with that 35-day period, disclosure requirements are triggered at that time for media communications and telephone calls that clearly depict a candidate.

The amendment also changes the time of day that campaign finance reports, with the exception of those required under the accelerated reporting schedule, are due to the commission from 5:00 p.m. to 11:59 p.m. on the day that they are due. The amendment eliminates the decrease in the dollar amount from \$1,000 to \$500 for expenditures by candidates or party committees made in the last 2 weeks of an election that would trigger 24-hour reports. The amendment removes a provision from the bill that would have required more detailed reporting of independent expenditures and a provision that would increase the fine from \$10 to \$100 for failure to properly register information required of candidates.

The amendment eliminates the provision in the bill that would have required that seed money contributions under the Maine Clean Election Act come from Maine residents and clarifies current seed money restrictions. The

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amendment removes the part of the bill that would transfer General Fund money to the Maine Clean Election Fund in September rather than in January as required by current law. The amendment removes a provision in the bill that would prohibit a Maine Clean Election Act candidate from paying family members services provided to the candidate's campaign.

The amendment increases from 2,500 to 3,250 the number of qualifying contributions a gubernatorial candidate must obtain to become certified, but eliminates the proposal in the bill that would require a gubernatorial candidate to raise a minimum of \$15,000 in seed money contributions. The amendment clarifies an error in the bill with regard to gubernatorial matching funds.

Enacted Law Summary

Public Law 2007, chapter 443 makes several changes to the laws governing campaign finance reporting and the Maine Clean Election Act. It amends the laws on campaign finance reporting as follows:

1. Amends the definition of "person" to remove the word "group";
2. Exempts lists of registered voters obtained by party committees from the definitions of "contributions" and "expenditures";
3. Includes facilities owned by a candidate's immediate family in determining whether an exception to expenditure is applicable;
4. It provides that a state party committee can provide a total of 40 hours of assistance to a candidate in an election without making a contribution to that candidate and expands the type of service provided from "advice" to "assistance";
5. Allows party candidate listings to treat federal candidates differently from other state candidates if required by federal election law and to include campaign slogans and logos;
6. Eliminates the requirement that Maine Clean Election Act candidates sign and file the voluntary spending limits statement;
7. Requires an outgoing treasurer to certify in writing the accuracy of a campaign's records;
8. Removes the requirement that the address be included in the disclosure statement in campaign communications financed by the candidate that are aired via a broadcasting station;
9. Requires that communications that name or depict a clearly identified candidate within 21 days before a primary election or 35 days before a general election contain the disclosure statement, unless the communication's purpose has a purpose other than influencing an election;
10. Extends the time period from 10 to 20 days during which fines will be assessed for communications that lack the disclosure statement;
11. Establishes disclosure requirements regarding certain automated and live telephone calls to voters made 35 days prior to an election;
12. Clarifies that funds that are earmarked for a candidate through a conduit or intermediary are considered contributions to the candidate;
13. Requires that sole proprietorships and their owners be treated as a single entity for the purposes of contribution limits;

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14. Removes the requirement that federal candidates and state party committees file federal campaign finance reports with the commission;
15. Revises the report filing schedule for candidates, party committees and political action committees to allow the commission to have more complete information upon which to base matching fund calculations and provides that in most circumstances, reports are not due to the commission until 11:59pm;
16. Changes the amount of a campaign surplus or deficit from \$50 to \$100 that requires candidates to file semiannual reports with the commission;
17. Requires party committees to retain records of contributions and expenditures and receipts for expenditures;
18. Expands the period during which a communication that names or depicts a clearly identified candidate is presumed to be an independent expenditure to 21 days before a primary election or 35 days before a general election and requires independent expenditure reports to contain a description of the communications made;
19. Raises the amount of the penalty waiver for a late-filed report for candidates, party committees and political action committees from \$5 to \$10;
20. Clarifies when an electronically submitted or facsimile copy is allowed;
21. Corrects an error in the statute that sets the triggering threshold for political action committees from \$50 to \$1,500;
22. Requires political action committees to identify, upon registering, Legislators who have a significant role in fund-raising or decision-making for the committee;
23. Requires political action committees to file an initial campaign finance report upon registering with the commission; and
24. Clarifies the conditions for dissolving a political action committee.

Chapter 443 amends the laws governing the Maine Clean Election Act as follows:

1. Adds a definition of "immediate family";
2. Clarifies the requirements for a valid qualifying contribution;
3. Allows the commission to request an advance on the annual amount to be transferred if there will be insufficient funds for an upcoming election;
4. Clarifies that Maine Clean Election Act funds cannot be used to pay for goods and services received during the qualifying period;
5. Adds new conditions for certification, including whether a candidate has made material false statements to the commission or has been denied certification or had certification revoked due to substantial violations of election laws;
6. Increases the number of qualifying contributions that must be collected by gubernatorial candidates from 2500 to 3250 and clarifies an error in the bill regarding matching funds for gubernatorial candidates;

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7. Extends the period of time the commission has to certify gubernatorial candidates and allows the commission to take additional time to certify a candidate if a compliance investigation is necessary;
8. Creates a process for the commission to revoke certification;
9. Increases the amount of the initial distribution to a gubernatorial candidate in the general election to \$600,000 and limits the amount of matching to an equivalent amount;
10. Requires the commission staff to audit all gubernatorial candidates who receive Maine Clean Election Act funds and requires gubernatorial candidates and campaign staff to meet with the commission staff in order to discuss spending and record-keeping requirements within one month of the candidate's declaring an intention to seek public financing under the Maine Clean Election Act;
11. Clarifies the matching funds provision to include all contributions and fund distributions in calculating matching funds;
12. Clarifies the amount and timing of distributions to unenrolled candidates; and
13. Updates the provisions regarding appeals from the commission's decisions regarding certification.

LD 1857 An Act To Allow Members of the Maine National Guard To Run for Office in a Partisan Public Election

PUBLIC 130

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

This bill exempts members of the Maine National Guard from the law prohibiting an unclassified employee of the executive branch from being a candidate for elective office in a partisan public election.

Enacted Law Summary

Public Law 2007, chapter 130 exempts members of the Maine National Guard from the law prohibiting an unclassified employee of the executive branch from being a candidate for elective office in a partisan public election.

LD 1871 Resolve, Authorizing Municipalities To Consolidate Voting Districts for a Special Election

**RESOLVE 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT PERRY J	OTP	

This resolve authorizes municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in June of 2007.

Enacted Law Summary

Resolve 2007, chapter 12 authorizes municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in June of 2007.

Chapter 12 was enacted as an emergency measure effective May 3, 2007.