

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
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**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.

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the prior calendar year and provides that the the Division of Liquor Licensing may audit the shipper's records at any time. The bill requires a non-resident shipper to pay sales taxes and register with the Bureau of Revenue Services as a retailer. Finally, the bill requires the adoption of rules to allow for compliance with Maine's bottle deposit law.

Committee Amendment "A" (S-575)

This amendment strikes the section of the bill that establishes a nonresident shipper's license and replaces it with a section that establishes a direct shipper license. A direct shipper license allows in-state or out-of-state licensed entities to ship up to 12 cases of wine to recipients who are 21 years of age or older. The direct shipper or 3rd-party carrier contracted by the shipper must determine proof of age in order to make a delivery. Wine shipments must be conspicuously labeled that they contain alcohol and may be delivered only to a person 21 years of age or older. The amendment clarifies that a direct shipper is required to pay all applicable taxes, including excise and premium taxes on wine. The amendment also provides greater detail in what is required to be reported by direct shippers and lists specific penalties for specific violations of laws governing the direct shipment of wine.

LD 2015 An Act To Ensure Integrity in Financing Publicly Funded Campaigns

PUBLIC 567

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-793

This bill prohibits a Maine Clean Election Act candidate from spending Maine Clean Election Act funds on himself or herself, a member of the candidates immediate family or a business affiliated with the candidate. It also prohibits the use of Maine Clean Election Act funds to pay or reimburse a member of the candidates immediate family for services provided to the candidates campaign.

Committee Amendment "A" (H-793)

This amendment replaces the bill. The amendment prohibits the use of funds from the Maine Clean Election Fund as payment to a member of a candidate's household, unless the candidate provides evidence that the payment was for a legitimate campaign expense for goods and services priced at a fair market value and that the household member provides those goods or services as a regular part of their occupation or business. The amendment also requires that candidates who are not certified as Maine Clean Election Act candidates disclose when they use campaign funds to pay a household member for campaign-related goods or services.

Enacted Law Summary

Public Law 2007, chapter 567 prohibits the use of funds from the Maine Clean Election Fund as payment to a member of a candidate's household, unless the candidate provides evidence that the payment was for a legitimate campaign expense for goods and services priced at a fair market value and that the household member provides those goods or services as a regular part of their occupation or business. It also requires that candidates who are not certified as Maine Clean Election Act candidates disclose when they use campaign funds to pay a household member for campaign-related goods or services.

LD 2068 An Act To Amend the Laws Governing Lobbyist Disclosure

PUBLIC 630

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM MAJ OTP-AM MIN	H-895

This bill makes changes to the laws regarding lobbyist disclosure procedures. It eliminates from the definition of "expenditure" compensation paid to a lobbyist and the costs of so-called "gross roots" lobbying. It adds the term

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"domestic partner" in the definition of "immediate family." It broadens the requirement that state employees who influence legislation register with the Commission on Governmental Ethics and Election Practices. It repeals the Maine Revised Statutes, Title 3, section 315, the substance of which is retained in section 315-A. It requires the commission to publish an online photographic guide to lobbyists organized by legislative committee and requires that lobbyists submit photographs unless the lobbyists have waivers from the commission. It requires lobbyists to submit additional information about their employers when they register. It provides the commission authority to audit and investigate information contained in lobbyists' and employers' registrations and reports and grants the commission subpoena power to accomplish this.

Committee Amendment "A" (H-895)

This amendment is the majority report of the committee. It establishes a definition of "covered official" and "domestic partner" as that term is used in the definition of "immediate family." It also establishes a definition of "legislative designee" to describe employees of state agencies who lobby the Legislature on behalf of the state agency and requires them to register as designees within 15 days of the beginning of a regular legislative session. The amendment requires a legislative designee to complete a registration form that includes the business address and website of the designee's agency, a description of the agency and the legislative interests the designee is intending to influence. The amendment requires this information, like similar information reported by lobbyists, to be available on a publicly accessible website. The amendment makes clarifications to the reporting requirements for lobbyists to correct ambiguous language. Finally, the amendment authorizes the Commission on Governmental Ethics and Election Practices to conduct investigations with regard to alleged violations of the laws governing lobbying.

Enacted Law Summary

Public Law 2007, chapter 630 establishes a definition of "covered official" and "domestic partner" as that term is used in the definition of "immediate family." It also establishes a definition of "legislative designee" to describe employees of state agencies who lobby the Legislature on behalf of the state agency and requires them to register as designees within 15 days of the beginning of a regular legislative session. This law requires a legislative designee to complete a registration form that includes the business address and website of the designee's agency, a description of the agency and the legislative interests the designee is intending to influence. It also requires this information, like similar information reported by lobbyists, to be available on a publicly accessible website. Chapter 630 makes clarifications to the reporting requirements for lobbyists to correct ambiguous language. Finally, this law authorizes the Commission on Governmental Ethics and Election Practices to conduct investigations with regard to alleged violations of the laws governing lobbying.

LD 2069 An Act To Update Department of Defense, Veterans and Emergency Management Laws

**PUBLIC 521
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COTTA	OTP-AM	H-752

This bill amends various provisions of the laws governing veterans' services and benefits. It amends the section of law governing eligibility for burial at the Maine Veterans Cemetery to include a person who died while serving in the Active Guard Reserve and whose death is determined to be in the line of duty. It also amends the section of law governing eligibility for temporary and emergency assistance offered to veterans to specify that the veteran must be a current resident of the state for at least a one year period.

The bill addresses provisions in the law governing educational benefits offered to veterans and their dependents by clarifying the definition of child to mean a "natural" child or a child who was adopted prior to the age of 18. It also removes the age limit of 25 years regarding being eligible for tuition benefits and specifies that a widow or widower is eligible for the education benefits if they have not remarried after the death of the veteran spouse and that these benefits are available to only one spouse per veteran. The bill also provides that the benefit recipient must be a state resident throughout the duration of time when the benefits offered under the educational benefits program. Lastly,