

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.

Joint Standing Committee on Legal and Veterans Affairs

"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,

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the bill replaces 8 semesters with 120 credit hours when describing the extent of the benefits provided.

Committee Amendment "A" (H-752)

This amendment strikes the one-year residency requirement for eligibility for certain veterans benefits and adds a provision that directs the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to verify residency. The amendment also makes retroactive to September 1, 2007 the section of the bill that clarifies that education benefits for spouses of veterans are good for 120 credit hours. Finally, this amendment adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2007 chapter 521 makes various changes to 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 changes the section of law governing eligibility for temporary and emergency assistance offered to veterans to require the Bureau of Veterans Services to verify Maine residency.

Chapter 521 also 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 old regarding being enrolled in a degree program to be 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 law 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, chapter 521 replaces 8 semesters with 120 credit hours when describing the extent of the benefits provided and makes this change retroactive to September 2007.

Public Law 2007, chapter 521 was enacted as an emergency measure effective May 27, 2008.

LD 2070 An Act To Improve the Campaign Finance Laws and Their Administration

**PUBLIC 571
EMERGENCY**

Sponsor(s)

PATRICK

Committee Report

OTP-AM

Amendments Adopted

H-824

This bill makes several changes to the provisions of law governing the Commission on Governmental Ethics and Election Practices. It clarifies existing language that disqualifies a person from serving on the commission if that person is an officer, director, employee or primary decision maker of a party committee, political action committee or candidate committee and makes the appropriate statutory references in this regard. It also provides that a member of the commission may be removed by the Governor upon the direction of both branches of the Legislature or by impeachment as provided in the Constitution of Maine. The bill creates a new section of law that describes what constitutes a conflict of interest for a commission member and what is required when a member has such a conflict of interest.

The bill provides that working papers as part of an audit are confidential and are not permitted to be disclosed to anyone except the commission, the audited entity, necessary people conducting the audit and law enforcement.

The bill adds a new provision in law that restricts the use of contributor information contained in commission reporting databases for commercial purposes. It allows for traditional uses for this information like using the information to send political literature, for get out the vote activities and contacting Mainers to raise funds to influence Maine elections. It would prohibit using the database to sell goods and services, or to sell the information to other database companies, fundraising by charities and fundraising by non-electoral political organizations.

The bill also adds language regarding the submission of reports required by the commission and clarifies that reports due to municipal clerks must be submitted by the close of business in the municipal clerk's office.