

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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STAFF:

DANIELLE D. FOX, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

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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 bill provides that a list in electronic format of the names and addresses of persons who make \$5 MCEA qualifying contributions over the internet are available only to the candidate or someone designated by the candidate.

Finally, this bill proposes a new provision to address using Maine Clean Election Act funds to family members. It states that when a certified candidate pays an immediate family member or a business or non-profit affiliated with a member of the candidate's immediate family, the candidate must disclose the family relationship.

Committee Amendment "A" (H-824)

This amendment adds language requiring disclosure statements from members of the Commission on Governmental Ethics and Election Practices and clarifies a process established in the bill for the removal of members from the commission. The amendment strikes language regarding complaints alleging conflict of interest on behalf of members of the Commission on Governmental Ethics and Election Practices. The amendment clarifies the portions of the bill that create an exception to the law governing public records to narrow its scope. Finally, the amendment corrects an error in existing law regarding seed money contributions under the Maine Clean Election Act.

Enacted Law Summary

Public Law 2007, chapter 571 makes changes to the laws governing the Maine Commission on Governmental Ethics and Election Practices and the laws governing campaign finance. 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 law describes what constitutes a conflict of interest for a commission member and what is required when a member has such a conflict of interest. It also specifies meeting notice requirements and the procedure for telephone meetings held by the Commission.

Chapter 571 specifies when investigative working papers are confidential and provides what information is available to the public regarding Maine Clean Election Act qualifying contributions made via the internet. The law also adds a new provision that restricts the use of contributor information contained in commission reporting databases for commercial purposes.

This law 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.

Chapter 571 also corrects an error regarding seed money contributions collected by candidates to receive money from the Maine Clean Election Act fund. Finally, it proposes a new provision to address using Maine Clean Election Act funds to family members. It states that when a certified candidate pays an immediate family member or a business or non-profit affiliated with a member of the candidate's immediate family, the candidate must disclose the family relationship.

Public Law 2007, chapter 571 was enacted as an emergency measure and took effect on April 7, 2008.

LD 2110 An Act To Amend the Election Laws

PUBLIC 515

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM	H-737

This bill amends the section of law in Title 5 that implements the Constitutional requirement that a statement from the Treasurer of State accompany a bond question on the ballot for ratification by the voters. The bill would allow

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for that statement to be included on a separate piece of paper to accompany the ballot. It would be provided to voters at the voting place as well as distributed with absentee ballots.

Current law allows for a person to register as a voter anew in a municipality by mail and states that the applicant's qualification as a voter is presumed. However, the bill also specifies that an application for voter registration received by email does not establish a presumption that the applicant is a qualified voter.

The bill also adds to what is required to be included on the printed incoming voting list. The additional field to be included would indicate whether or not that particular voter is required to show identification prior to voting. The bill replaces the requirement that the incoming voter list be available before election day with the requirement that the "current voter list" be available. It requires what is to be included on a current voter list to be available before the polls are opened on election day. It states that the list must include only the following: name; residence address; enrollment status; electoral district; voter status as active or inactive; voter record number; and special designations indicating uniformed service voters, overseas voters or township voters. It also describes what information is kept confidential for those voters in the Address Confidentiality Program. Current law provides that the incoming voter list be sealed after the election for a period of 10 days. This bill reduces that time to 5 business days after the election once the clerk verifies that no recount has been requested. It also provides that a recount is automatic for races where the difference in votes between the candidates is less than 1% of the total votes cast in that race.

The bill provides language that would give municipalities the option of accepting absentee ballot applications by email. The municipality would be required to notify the Secretary of State at least 120 days before an election if they choose to accept these email applications. The list of municipalities that offer this would be posted on the website of the Secretary of State. The form for this application would be designed or approved by the Secretary of State.

Finally, this bill reduces the number of days from 10 to 5 by which the municipal election clerk must update the list of absentee voters in the Central Voter Registration System.

Committee Amendment "A" (H-737)

This amendment strikes from the bill the provisions that would make a recount automatic for races with a margin of less than 1% of the total votes cast in a race. In order for a recount to occur under this amendment it must be requested by the apparent losing candidate.

Enacted Law Summary

Public Law 2007 chapter 515 makes several changes to the laws governing elections. It provides that a statement from the Treasurer of State that accompanies a bond question on the ballot for ratification by the voter may be included on a separate piece of paper to accompany the ballot. It would be provided to voters at the voting place as well as distributed with absentee ballots.

Current law allows for a person to register as a voter anew in a municipality by mail and states that the applicant's qualification as a voter is presumed. Chapter 515 specifies that an application for voter registration received by email does not establish a presumption that the applicant is a qualified voter.

Chapter 515 adds to what is required to be included on the printed incoming voting list to indicate whether or not a particular voter is required to show identification prior to voting. The law replaces the requirement that the incoming voter list be available before election day with the requirement that the "current voter list" be available and requires what is to be included on a current voter list to be available before the polls are opened on election day. It states that the list must include only the following: name; residence address; enrollment status; electoral district; voter status as active or inactive; voter record number; and special designations indicating uniformed service voters, overseas voters or township voters. It also describes the information that is kept confidential for those voters in the Address Confidentiality Program. Current law provides that the incoming voter list be sealed after the election for a period of 10 days. This law reduces that time to 5 business days after the election once the clerk verifies that no

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recount has been requested.

The law provides that for races where the difference in votes between the candidates is less than 1% of the total votes cast in that race, a recount will occur only if requested.

Chapter 515 gives municipalities the option of accepting absentee ballot applications by email. The municipality would be required to notify the Secretary of State at least 120 days before an election if they choose to accept these email applications. The list of municipalities that offer this would be posted on the website of the Secretary of State. The form for this application would be designed or approved by the Secretary of State.

Finally, this law reduces the number of days from 10 to 5 by which the municipal election clerk must update the list of absentee voters in the Central Voter Registration System.

LD 2130 Resolve, Directing the Secretary of State To Work with the Legislative Youth Advisory Council To Establish a Program Regarding Educating Youth about Voting

RESOLVE 164

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-738

This bill allows an otherwise eligible person to preregister to vote upon reaching 16 years of age. Once preregistered, that person is automatically registered to vote when that person reaches 18 years of age or when that person meets the voting age qualification for voting in a primary election under the Maine Revised Statutes, Title 21-A, section 111-A, whichever occurs first. The bill directs the Secretary of State to adopt such routine technical rules as are necessary to implement this process. The bill requires that preregistration forms be publicly available at all offices of the Department of the Secretary of State, Bureau of Motor Vehicles and be provided to all municipal registrars. The Secretary of State is also directed to undertake efforts to ensure that youth are aware of the preregistration option.

Committee Amendment "A" (H-738)

This amendment replaces the bill with a resolve directing the Secretary of State to work with the Legislative Youth Advisory Council to develop a program that would distribute informational literature about voting to public high schools in the State and branches of the Bureau of Motor Vehicles. It also requires the Secretary of State to submit recommended legislation by March 1, 2009 incorporating this program into the duties of the Secretary of State required by statute.

Enacted Law Summary

Resolve 2007 chapter 164 directs the Secretary of State to work with the Legislative Youth Advisory Council to develop a program that would distribute informational literature about voting to public high schools in the State and branches of the Bureau of Motor Vehicles. It also requires the Secretary of State to submit recommended legislation by March 1, 2009 incorporating this program into the duties of the Secretary of State required by statute.

LD 2134 An Act To Allow for Annual Super Tournament Games by Nonprofit Charitable Organizations

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM MAJ ONTP MIN	S-576