

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
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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

This bill makes the following changes to the laws governing games of cards, including cribbage, sponsored by charitable and fraternal organizations.

1. It increases the allowable daily entry fee from \$1 to \$5.
2. It increases the license fee from \$7.50 to \$30.
3. It specifies that a game of cards may not consist of more than 60 players at any one time.

This bill also authorizes the Chief of the State Police to issue a tournament game license for cribbage, with a maximum of 1,000 players, once per calendar year.

Committee Amendment "A" (S-576)

This amendment replaces the bill. The amendment allows for organizations eligible to conduct tournament games to get a license to conduct one super tournament annually. A super tournament license allows for a maximum of 1,000 players. The license has the same \$100 maximum entry fee as regular tournaments but a super tournament may not collect more than \$10,000 in entry fees.

LD 2178 An Act To Increase Public Confidence in Government by Expanding Public Disclosure

PUBLIC 704

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ OTP-AM MIN	H-959 FITTS S-523

This bill expands the list of information that Legislators and executive branch officials are required to list on financial disclosures to include information on real estate interests, investment interests, positions held as officers and directors of entities and the names of and interests held by immediate family members of Legislators and executive branch officials. The bill also requires that completed disclosure forms of Legislators and executive employees, including the Governor, be made available over the Internet. The requirement for Internet publication of the completed forms applies to Legislators' disclosure of sources of income, reportable liabilities, bids on government contracts and updating statements and candidate disclosure forms and executive employee statements of sources of income.

Committee Amendment "A" (S-523)

This amendment is the majority report. This amendment adds to the list of things to be disclosed as proposed in the bill. New disclosures regarding real property and investment interests will begin to be reported in 2010 after the reporting form designed by the Commission on Governmental Ethics and Election Practices is reviewed by the joint standing committee of the Legislature having jurisdiction over governmental ethics matters. It adds a requirement that job titles be disclosed for each reportable source of income for Legislators, executive employees and members of their immediate families. The amendment specifies that the value of real property and investments is disclosed by indicating a range of value. It also clarifies that when reporting the location of reportable real property, the township or municipality where the property is located is sufficient.

House Amendment "E" (H-959)

This amendment removes the requirement that Legislators and certain executive branch employees disclose the range of income derived from each source with respect to income earned by immediate family members of Legislators and certain executive branch employees. It also removes the requirement that Legislators and certain executive branch employees disclose certain real property and investment interests. It provides that statements filed by executive branch employees regarding positions held by those employees and their immediate family members

Joint Standing Committee on Legal and Veterans Affairs

must be filed with the Commission on Governmental Ethics and Election Practices rather than with the Secretary of State.

Enacted Law Summary

Public Law 2007, chapter 704 requires that members of the Legislature and certain executive branch employees include sources of income of their spouse, domestic partner and any dependent children when reporting sources of income of income over \$1000. It also requires new reports by 2010, from Legislators and certain executive branch employees including their spouses, domestic partners and dependent children. This report will disclose any offices, trusteeships, directorships and other position with a firm, corporation, association, partnership or business held during a preceding calendar year. These reports will be maintained by the Commission on Governmental Ethics and Election Practices and will be posted on a publicly accessible website.

LD 2206 An Act To Amend the Tournament Games Laws

PUBLIC 610

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-546

This bill provides that a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organization is authorized to hold a maximum of 6 "Texas hold 'em" poker tournaments annually without obtaining a license from the Chief of the State Police if the organization possesses a building or facility in which to hold the tournaments and has been in existence and founded, chartered or organized in the State for at least 7 years.

Committee Amendment "A" (S-546)

This amendment replaces the bill. It changes the per player fee structure for tournament games to be a flat \$200 license fee. It provides that the organization licensed to conduct tournament games may add to the player entry fee to defray the cost of the license. The amendment also removes the provision that requires the licensee to distribute 75% of the proceeds remaining after paying prizes to players to the specific charitable purposes listed on the application.

Enacted Law Summary

Public Law 2007, chapter 610 changes the per player fee structure for tournament games to be a flat \$200 license fee. It provides that the organization licensed to conduct tournament games may add to the player entry fee to defray the cost of the license. It also removes the provision that requires the licensee to distribute 75% of the proceeds remaining after paying prizes to players to the specific charitable purposes listed on the application.

LD 2219 An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics

PUBLIC 642

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM MAJ	H-939
EDMONDS	OTP-AM MIN	S-601 MARRACHE

This bill creates a removal procedure for members of the Commission on Governmental Ethics and Election Practices by impeachment or by allowing the Governor to remove members with the concurrence of the Joint Standing Committee of the Legislature having jurisdiction over election practices and legislative ethics. The bill clarifies the jurisdiction of the Commission on Governmental Ethics and Election Practices to include citizen complaints about abuses of legislative ethics. It amends the procedures through which complaints are made by allowing any person to file a complaint and makes changes to the procedures for confidentiality and public access.