

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.

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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 and complaint and makes changes to the procedures for confidentiality and public access

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to nonconfidential records. The bill amends the definition of "gift" and lowers the threshold when gifts to legislators are to be reported. The bill redefines "conflict of interest" and "undue influence." It requires lobbyists to submit a digital picture and a list of the committees they will be lobbying and the publishing of a lobbyist facebook so that Legislators will have a better sense of who the lobbyist they interact with represents. It prohibits candidates and their spouses from serving as campaign treasurers and deputy treasurers. It requires another reporting period for campaign reports to give the public another chance to see how campaigns are being conducted. It establishes a contribution limit to political action committees of \$10,000 per election cycle. It requires members of the commission to file financial interests and affiliation disclosures.

Committee Amendment "B" (H-939)

This amendment is the minority report of the committee. This amendment:

1. Removes sections that addressed qualifications and removal of members of the Commission on Governmental Ethics and Election Practices that were addressed in another bill;
2. Changes the definition of "gift" within the laws governing legislative ethics to exclude legal services provided in a matter of legislative ethics;
3. Clarifies that written advisory opinions issued and considered at a public meeting by the Commission on Governmental Ethics and Election Practices are submitted to the Clerk of the House and the Secretary of the Senate and are entered into the legislative record;
4. Strikes language that allows a vote of 2 commissioners on the Commission on Governmental Ethics and Election Practices to be sufficient to order an investigation and hearings on matters of legislative ethics;
5. Specifies that complainants who file a complaint alleging violation of legislative ethics in bad faith will be referred to the Attorney General for investigation;
6. Clarifies confidentiality provisions with regard to complaints filed against Legislators alleging a violation of legislative ethics;
7. Clarifies language in current law that provides that a presiding officer may require a member to vote on a matter in which the Legislator might have a conflict of interest in accordance with the Joint Rules of the Legislature or if the presiding officer advises that no conflict exists;
8. Strikes the changes made by the bill regarding conflict of interest and undue influence;
9. Strikes changes to lobbying registration requirements that are addressed in another bill;
10. Removes the provision that a candidate and the candidate's spouse may not serve as treasurer or deputy treasurer of that candidate's campaign and replaces it with a provision that a Maine Clean Election Act candidate may not serve as that candidate's treasurer or deputy treasurer;
11. Strikes the \$10,000 contribution limitation for political action committees and ballot measure committees; and
12. Adds a reporting requirement directing the Commission on Governmental Ethics and Election Practices to report in 2010 the impact of the changes made by the amended version of the bill.

Senate Amendment "A" (S-601)

This amendment allows a Legislator against whom a complaint alleging a violation of legislative ethics is made to request that the complaint be made public even if the commission decides not to pursue the complaint.

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Enacted Law Summary

Public Law 2007, chapter 642 makes changes to the laws governing legislative ethics and campaign finance laws. It amends the definition of gift to exclude legal services received by a legislator regarding a matter of legislative ethics and provides that any person, not just a legislator may file a complaint with the Commission on Governmental Ethics and Election Practices alleging conflict of interest by a legislator. The law also provides when certain records pertaining to a complaint an investigation regarding legislative ethics are confidential.

Chapter 642 prohibits a candidate from serving as their own treasurer or deputy treasurer in a campaign. This law also requires that an additional campaign finance report be filed by candidates on the 42nd day prior to a general election.

This law requires the Commission on Governmental Ethics and Election Practices to issue a report by January 15, 2010 on the impact of the changes made by chapter 642.

LD 2232 An Act To Amend the Games of Cards Law

PUBLIC 554

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PATRICK | OTP-AM MAJ ONTP MIN | H-787 |

This bill amends current law regarding games of cards. It increases the daily allowable entry fee for a game of cards from \$1 to \$5, increases the license fee from \$7.50 to \$30 and specifies that a game of cards under the \$30 license may not consist of more than 20 players at any one time at any one location.

Committee Amendment "A" (H-787)

This amendment clarifies existing statutes regarding licensed card games for which the entry fee is the wager and card games in which wagers are placed per hand or per deal. The amendment retains from the bill an increase in the maximum entry fee for card games from \$1 to \$5 and an increase in the license fee for these card games from \$7.50 to \$30 per year. The amendment also limits the number of players at these card games to 40.

Enacted Law Summary

Public Law 2007, chapter 554 increases the maximum amount that can be collected as an entry fee from \$1 to \$5 for games of cards that use the collected entry fees as the prize for winning the game of cards. It also increases the license fee for such card games from \$7.50 to \$30 and limits the number of players under that license to 30.

LD 2236 An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance

HELD BY
GOVERNOR

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|--------------------------|---------------------------|
| HANLEY S | OTP-AM MAJ OTP-AM MIN | H-962 S-664 ROTUNDO |

This bill allows nonprofit organizations to conduct games of chance without a license.

Committee Amendment "B" (H-962)

This amendment replaces the bill. The amendment provides that organizations may conduct games of chance without a license unless they collect more than \$30,000 in entry fees, chances or wagers in a calendar year. An