

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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**

May 2008

STAFF:

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

MEMBERS:

SEN. LISA T. MARRACHE, CHAIR
SEN. BRUCE S. BRYANT
SEN. DEBRA D. PLOWMAN

REP. JOHN L. PATRICK, CHAIR
REP. JOHN L. TUTTLE, JR.
REP. PAMELA JABAR TRINWARD
REP. LANCE WEDDELL
REP. MARK E. BRYANT
REP. MICHAEL E. CAREY
REP. JOAN M. NASS
REP. GARY W. MOORE
REP. WRIGHT H. PINKHAM, SR.
REP. STACEY FITTS

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

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

Joint Standing Committee on Legal and Veterans Affairs

unlicensed game of chance would be limited to \$10,000 in entry fees, chances or wagers at any one event. An organization conducting a game of chance without a license must still register its name and tax identification number and the time, date and location of the event. The registration fee is \$30.

Senate Amendment "A" (S-664)

This amendment reduces the annual limit of money collected when operating games of chance without a license from \$30,000 to \$15,000.

LD 2258 Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices **RESOLVE 202
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a major substantive rule of the Commission on Governmental Ethics and Election Practices.

Enacted Law Summary

Resolve 2007, chapter 202 approved changes to the rules governing the Maine Clean Election Act provisionally adopted by the Commission on Governmental Ethics and Election Practices. The changes clarified the provisions governing distribution of matching funds to gubernatorial candidates to be consistent with statute and specified that Maine Clean Election Act fund distributed to a candidate must be kept in a segregated account.

This Resolve was finally passed as an emergency measure and became effective on April 14, 2008.

LD 2261 An Act To Allow a Casino in Oxford County **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

This initiated bill authorizes Evergreen Mountain Enterprises, LLC to operate a gaming facility at a single site in Oxford County. The legislative body and voters of any municipality in which the site is located must approve the site for the operation of the gaming facility. The gaming facility is authorized to contain slot machines, bazaar games conducted solely for merchandise prizes, lottery games, video facsimiles, card games, table games and other games of chance, including without limitation blackjack, poker, dice, roulette, baccarat, money-wheels and bingo. The initiated bill removes the limit on the total number of slot machines that are allowed to be registered in this State. The minimum age to play a slot machine or gaming device is lowered from 21 years of age to 19 years of age. The initiated bill provides that, other than the approved commercial race tracks in the State that operate slot machines, the gaming facility operated by Evergreen Mountain Enterprises, LLC must be the only gaming facility in the State for at least 10 years. The initiated bill provides for regulation of the gaming facility by the Department of Public Safety, Gambling Control Board. The initiated bill requires the gaming operator to collect and distribute 1% of adjusted gross gaming device income to the Treasurer of State for deposit in the General Fund for the administrative expenses of the Gambling Control Board. The gaming operator must pay to the State 39% of the total gross gaming device income. This money paid to the State must be used for the following purposes:

1. Five percent of the total gross gaming device income must be distributed to repay student loans of residents of this State;