

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**

May 2008

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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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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;

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2. Four percent of the total gross gaming device income must be distributed to the research and development of an east-west highway in the State;
3. Three percent of the total gross gaming device income must be distributed to develop and construct a facility to produce biofuels, including fuel for heating homes;
4. Three percent of the total gross gaming device income must be distributed to make health care more affordable for employees of businesses and the self-employed in this State. This endeavor must include expanding membership in the Dirigo Health Program and allowing such health care to be offered as a self-insured product;
5. Two percent of the total gross gaming device income must be distributed for revenue sharing with municipalities, with the intent of providing local property tax relief;
6. Two percent of the total gross gaming device income must be distributed to a Maine prepaid college plan to allow residents of this State to prepay the cost of college tuition, fees and dormitory housing before a child goes to college;
7. Two percent of the total gross gaming device income must be used to assist the elderly with the cost of prescription drugs;
8. Two percent of the total gross gaming device income must be used for the improvement of secondary rural roads in the State;
9. Two percent of the total gross gaming device income must be distributed for the expansion of facilities and course selection in the Maine Community College System;
10. One percent of the total gross gaming device income must be distributed for the program cost portion of general purpose aid for local schools;
11. One percent of the total gross gaming device income must be distributed to Maine's Renewable Resource Fund for the development of new renewable sources of energy;
12. One percent of the total gross gaming device income must be distributed to the Finance Authority of Maine for its NextGen First Step Grant program to assist residents of this State in saving for college tuition;
13. One percent of the total gross gaming device income must be distributed to towns to be used for regionalization efforts of towns that express interest in reducing and eliminating duplicative municipal services;
14. One percent of the total gross gaming device income must be distributed to help fund raising the minimum wage to a level comparable with a "livable wage" for the resident workers in this State of \$7.70 per hour in 2008 and \$8.40 in 2009 and in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W index, thereafter. If the Legislature refuses to accept these funds for this purpose, these funds must go to funding affordable health care and Dirigo Health;
15. One percent of the total gross gaming device income must be distributed for grants to residents of this State who demonstrate energy efficiency and conservation proficiency, such as rebates for purchasers of hybrid and biodiesel-capable vehicles, for those who convert vehicles into biodiesel-capable vehicles and for users of biofuel for home and business heating, and grants for residents of this State to develop such clean and efficient fuel technologies;
16. One percent of the total gross gaming device income must be distributed for the improvement of the water quality of the rivers of this State and the technology to allow paper mills and waste treatment plants to eliminate the toxins they release into rivers;

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17. One percent of the total gross gaming device income must be distributed to the Land for Maine's Future Fund established in the Maine Revised Statutes, Title 5, section 6203 to secure the traditional heritage of this State of public access to the land and water resources of this State and to secure the continued quality and availability of natural resources important to the interests and continued heritage of the people of the State;
18. One percent of the total gross gaming device income must be distributed to public access television stations in this State for the improvement of technology and programming;
19. One percent of the total gross gaming device income must be distributed for funding residents of this State who are 15 years of age to 30 years of age to support ideas and projects that will stimulate the creative economy in this State, enhance technology, improve civic engagement or otherwise effect positive community change;
20. One percent of the total gross gaming device income must be distributed for programs to protect gaming patrons against the risks of gambling, including gambling addiction counseling services and monitoring patrons who may be at risk and have a propensity for problem gambling;
21. Two percent of the total gross gaming device income must be forwarded directly to any municipality in which the gaming facility is located; and
22. One percent of the total gross gaming device income must be forwarded directly to Oxford County to pay for mitigation of costs resulting from gaming operations.

LD 2293 Resolve, To Improve the Absentee Voting System on November 3, 2008

RESOLVE 215

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-616

This resolve provides that a person may not vote by absentee ballot in the presence of the clerk on November 3, 2008, but may still obtain a ballot by written request to vote outside of the clerk's office.

Committee Amendment "A" (S-616)

This amendment replaces the resolve, which would prohibit a voter from voting in the presence of a municipal clerk by absentee ballot on the day before election day. It authorizes a municipal clerk to prohibit voting by absentee ballot in the presence of the clerk on November 3, 2008 as long as a municipal clerk gives notice to the political parties and to the Secretary of State at least 30 days before election day. Even when a municipality prohibits absentee voting in the presence of a municipal clerk, a voter may still request an absentee ballot from the clerk on November 3, 2008 and vote outside of the clerk's office. It also changes the title of the resolve.

Enacted Law Summary

Resolve 2007, chapter 215 authorizes a municipal clerk to prohibit voting by absentee ballot in the presence of the clerk on November 3, 2008 as long as a municipal clerk gives notice to the political parties and to the Secretary of State at least 30 days before election day. Even when a municipality prohibits absentee voting in the presence of a municipal clerk, a voter may still request an absentee ballot from the clerk on November 3, 2008 and vote outside of the clerk's office.