

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LEGAL AND
VETERANS' AFFAIRS**

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



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 First Regular Session of the 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Legal and Veterans Affairs

Statutes, Title 21-A, chapter 14. The amendment also directs the commission to establish rules to implement a provision of the Maine Clean Election Act that permits certified candidates to accept contributions if the Maine Clean Election Fund is insufficient to make distributions. These rules are routine technical rules and are required to be posted on the commission's publicly accessible website. The amendment also requires the commission to report back to the Joint Standing Committee on Legal and Veterans Affairs on how the distributions provided by Title 21-A, chapter 14 are to be made.

Enacted Law Summary

Resolve 2009, chapter 128 requires the Commission on Governmental Ethics and Election Practices to make distributions to legislative candidates certified as participating candidates under the Maine Clean Election Act at 2008 levels and to gubernatorial candidates in accordance with the distributions provided by the Maine Revised Statutes, Title 21-A, chapter 14. The amendment also directs the commission to establish rules to implement a provision of the Maine Clean Election Act that permits certified candidates to accept contributions if the Maine Clean Election Fund is insufficient to make distributions. These rules are routine technical rules and are required to be posted on the commission's publicly accessible website. The amendment also requires the commission to report back to the Joint Standing Committee on Legal and Veterans Affairs on how the distributions provided by Title 21-A, chapter 14 are to be made.

**LD 924 An Act To Clarify the Taxability of Promotional Credits in the State
Gaming Laws**

**PUBLIC 266
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-205

This bill amends the Gambling Control Board laws to clarify that use of promotional credits awarded through a promotional program offered by a slot machine operator and approved by the Gambling Control Board are not included in the calculation of gross slot machine income and net slot machine income.

Committee Amendment "A" (S-205)

This amendment clarifies that promotional credits are not used in calculating payback percentage and that the winnings from promotional credits used to continue play of slot machines are considered gross slot machine income. It also adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2009, chapter 266 defines promotional credit and clarifies that promotional credits are not used in calculating payback percentage and that the winnings from promotional credits used to continue play of slot machines are considered gross slot machine income. This bill was enacted as an emergency measure effective June 3, 2009.

LD 943 An Act To Reduce Lung Cancer Rates in Maine

PUBLIC 278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J R PERRY J	OTP-AM	H-365

Joint Standing Committee on Legal and Veterans Affairs

This bill requires a landlord or lessor of a residential building to test the residential building for radon every 5 years. If an unhealthy level of radon is detected, the landlord or lessor must notify the residents by posting a sign on the exterior entry doors of the residential building and sending certified letters to every unit and must mitigate the radon gas until it is reduced to a level not hazardous to human health. A violation is subject to a fine of up to \$500.

Committee Amendment "A" (H-365)

This amendment replaces the bill. The amendment requires a landlord or other lessor of a residential building to test the residential building for radon by 2012 and every 10 years thereafter. The bill would have required testing every 5 years. The amendment clarifies that the testing and mitigation, if necessary, must be performed by a person registered with the Department of Health and Human Services. If a level of radon at 4.0 picocuries per liter of air or above is detected, the amendment also requires landlords to mitigate the radon until it is reduced to a level below 4.0 picocuries per liter of air. The mitigation must occur within 6 months or, if any local permits are required prior to mitigation, within 6 months of obtaining the necessary permits. The bill would have required mitigation immediately and did not include a specific radon level to trigger the mitigation requirement. The amendment reduces the financial penalty for a violation from \$500 to \$250. The amendment also requires persons registered with the department to include the street address of the property and any additional data required when reporting the provision of mitigation services under current law.

Enacted Law Summary

Public Law 2009, chapter 278 requires a landlord or other lessor of a residential building to test the residential building for radon by 2012 and every 10 years thereafter. The law requires that the testing and mitigation, if necessary, must be performed by a person registered with the Department of Health and Human Services. If a level of radon at 4.0 picocuries per liter of air or above is detected, the law requires landlords to mitigate the radon until it is reduced to a level below 4.0 picocuries per liter of air. The mitigation must occur within 6 months or, if any local permits are required prior to mitigation, within 6 months of obtaining the necessary permits. When providing mitigation services, persons registered with the department must include the street address of the property and any additional data required to be reported to the Department of Health and Human Services. The financial penalty for a violation of the law is \$250.

LD 948 An Act To Reduce the Cost of the Maine Clean Election Act

ONTP

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

This bill amends the Maine Clean Election Act by:

1. Changing the amount allowed for a qualifying contribution from \$5 to from \$5 to \$10;
2. Requiring a minimum amount of qualifying contributions of \$32,500 for a candidate for Governor, \$1,500 for a candidate for State Senate and \$500 for a candidate for State House of Representatives; and
3. Allowing a participating candidate to raise between September 1st and October 15th of the election year \$2,000 for a candidate for State Senate and \$1,000 for a candidate for State House of Representatives in amounts up to \$50 per donor who are registered voters of the candidate's district.