

# 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 electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2009

**MEMBERS:**

SEN. NANCY B. SULLIVAN, CHAIR  
SEN. SETH A. GOODALL  
SEN. DEBRA D. PLOWMAN

REP. PAMELA JABAR TRINWARD, CHAIR  
REP. JOHN L. TUTTLE, JR.  
REP. LINDA M. VALENTINO  
REP. MICHAEL E. CAREY  
REP. ALEXANDER CORNELL DU HOUX  
REP. DIANE RUSSELL  
REP. STACEY ALLEN FITTS  
REP. WRIGHT H. PINKHAM, SR.  
REP. JOAN M. NASS  
REP. MICHAEL G. BEAULIEU

**STAFF:**

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

# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</sup> 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>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 First Regular Session of the 124<sup>th</sup> 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***

resources.

**House Amendment "A" To Committee Amendment "A" (H-526)**

This amendment changes the requirements for delivery as proposed in Committee Amendment "A" in the following ways:

1. It removes the requirement that the common carrier be approved by the bureau in the Department of Public Safety responsible for enforcing the liquor laws;
2. It requires the shipment to be accompanied by a shipping label, instead of an invoice, that indicates the name of the shipper and the name and address of the recipient; and
3. It requires the common carrier to obtain the signature of a person who is at least 21 years of age, and photographic identification, prior to delivering the shipment. The committee amendment allowed the shipment to be delivered only to the recipient.

**Enacted Law Summary**

Public Law 2009, chapter 373 creates a direct shipper license to facilitate the shipment of wine into and out of the state directly to consumers. The law authorizes the Department of Public Safety to issue a direct shipper license to a farm winery in the state or other winery holding a federal basic wine permit. A direct shipper may only ship wine that they produce in accordance with their federal permit. All shipments must be clearly labeled that they contain alcohol and that they require the signature of a person at least 21 years of age. Shipments must be made by a common carrier that is required to ship only to the address listed on the invoice and must request photo identification to verify that the recipient of the delivery is at least 21 years of age. A direct shipper is permitted to ship up to 12 cases of wine per recipient address in a calendar year. A direct shipper must file detailed reports and submit required sales, premium and excise taxes. A direct shipper or common carrier that knowingly ships to someone under 21 years of age is subject to a fine up to \$5,000. Bottles shipped in accordance with a direct shipper license are not subject to the beverage container law.

**LD 1016**

**An Act To Amend the Laws Governing Campaign Finance Reports and the Maine Clean Election Act**

**PUBLIC 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-136

Part A makes changes affecting campaign finance reports in the Maine Revised Statutes, Title 21-A, chapter 13. Specifically, Part A:

1. Clarifies that campaign finance reporting regarding ballot questions in towns and cities with a population of 15,000 or more is not governed by chapter 13, subchapter 2;
2. Removes the requirement that candidates must include their address in communications to voters such as signs and literature;
3. Eliminates a provision regulating candidates' use of endorsements, because the provision was invalidated by the Maine Supreme Judicial Court as unconstitutional;
4. Adjusts the filing deadline for campaign finance reports due on the 42nd day before a general election for legislative and county candidates so that the reports are due at 11:59 p.m. and clarifies that the reporting deadline

## *Joint Standing Committee on Legal and Veterans Affairs*

does not apply to municipal candidates;

5. Removes the requirement that a traditionally financed candidate who has received or spent more than the initial payment received by a Maine Clean Election Act opponent must file an accelerated campaign finance report on the 42nd day before an election, because all legislative candidates must file a full, itemized report by that deadline;
6. Clarifies that the committees of political parties must report expenditures made to support or to oppose candidates;
7. Adjusts the end dates of 2 quarterly campaign finance reports filed by party committees to December 31st and June 30th so that the dates coincide with the end of quarters of the calendar year;
8. Clarifies that municipal and county party committees are not required to file campaign finance reports on the 11th day before a primary election;
9. Specifies that the Commission on Governmental Ethics and Election Practices may partially reduce late filing penalties from statutorily prescribed preliminary amounts if the commission finds that the preliminary amounts are disproportionately high;
10. Permits the Commission on Governmental Ethics and Election Practices to waive penalties against candidates for late financial reporting caused by interruptions in Internet service;
11. Imposes a maximum penalty of \$5,000 for the late filing of the candidate campaign finance report due on the 42nd day before the general election;
12. Amends the definition of "political action committee" to include organizations receiving contributions above certain thresholds for the purpose of influencing elections;
13. Clarifies the reporting procedures for political action committees that are raising and spending money to influence municipal elections;
14. Requires political action committees organized outside the State that are raising or spending money to influence Maine elections to file financial reports on forms prescribed by the Commission on Governmental Ethics and Election Practices similar to in-state committees;
15. Clarifies that ballot question committees must file financial reports and keep financial records in the same manner as political action committees;
16. Clarifies that political action committees must keep records of their campaign finances for 4 years after the election to which the records pertain;
17. Adjusts the end dates of 2 quarterly campaign finance reports filed by political action committees to December 31st and June 30th so that the dates coincide with the end of quarters of the calendar year;
18. Clarifies that political action committees must report expenditures made to support or to oppose candidates;
19. Requires political action committees to dispose of any surplus money before terminating, and clarifies the procedures for terminating a committee; and
20. Imposes a single maximum of \$10,000 for all late filing penalties assessed against political action committees or ballot question committees.

## *Joint Standing Committee on Legal and Veterans Affairs*

Part B makes changes affecting the Maine Clean Election Act in the Maine Revised Statutes, Title 21-A, chapter 14. Specifically, Part B:

1. Clarifies that candidates who have committed substantial violations of the Maine Clean Election Act or the campaign finance law are ineligible to receive public campaign funding under the Maine Clean Election Act; and
2. Adjusts the quadrennial deadline for the Commission on Governmental Ethics and Election Practices to publish a study report concerning the Maine Clean Election Act so that the report is due on the March 15th after a gubernatorial election.

### **Committee Amendment "A" (S-136)**

This amendment restores the requirement for a participating candidate for the Legislature who has filed a "trigger report" to file an accelerated report 42 days before a primary election. This requirement is only for the primary election. As in the bill, an accelerated report is not required 42 days before the general election. The amendment would also clarify that the voters of this State may make \$5 qualifying contributions over the Internet according to the procedures established by the Commission on Governmental Ethics and Election Practices.

### **Enacted Law Summary**

Public Law 2009, chapter 190 makes changes affecting campaign finance reports in the Maine Revised Statutes, Title 21-A, chapter 13. Specifically, the law:

1. Clarifies that campaign finance reporting regarding ballot questions in towns and cities with a population of 15,000 or more is not governed by chapter 13, subchapter 2;
2. Removes the requirement that candidates must include their address in communications to voters such as signs and literature;
3. Eliminates a provision regulating candidates' use of endorsements, because the provision was invalidated by the Maine Supreme Judicial Court as unconstitutional;
4. Adjusts the filing deadline for campaign finance reports due on the 42nd day before a general election for legislative and county candidates so that the reports are due at 11:59 p.m. and clarifies that the reporting deadline does not apply to municipal candidates;
5. Clarifies that the committees of political parties must report expenditures made to support or to oppose candidates;
6. Adjusts the end dates of 2 quarterly campaign finance reports filed by party committees to December 31st and June 30th so that the dates coincide with the end of quarters of the calendar year;
7. Clarifies that municipal and county party committees are not required to file campaign finance reports on the 11th day before a primary election;
8. Specifies that the Commission on Governmental Ethics and Election Practices may partially reduce late filing penalties from statutorily prescribed preliminary amounts if the commission finds that the preliminary amounts are disproportionately high;
9. Permits the Commission on Governmental Ethics and Election Practices to waive penalties against candidates for late financial reporting caused by interruptions in Internet service;
10. Imposes a maximum penalty of \$5,000 for the late filing of the candidate campaign finance report due on the 42nd day before the general election;

## *Joint Standing Committee on Legal and Veterans Affairs*

11. Amends the definition of "political action committee" to include organizations receiving contributions above certain thresholds for the purpose of influencing elections;
12. Clarifies the reporting procedures for political action committees that are raising and spending money to influence municipal elections;
13. Requires political action committees organized outside the State that are raising or spending money to influence Maine elections to file financial reports on forms prescribed by the Commission on Governmental Ethics and Election Practices similar to in-state committees;
14. Specifies that ballot question committees must file financial reports and keep financial records in the same manner as political action committees;
15. Clarifies that political action committees must keep records of their campaign finances for 4 years after the election to which the records pertain;
16. Adjusts the end dates of 2 quarterly campaign finance reports filed by political action committees to December 31st and June 30th so that the dates coincide with the end of quarters of the calendar year;
17. Clarifies that political action committees must report expenditures made to support or to oppose candidates;
18. Requires political action committees to dispose of any surplus money before terminating, and clarifies the procedures for terminating a committee; and
19. Imposes a single maximum of \$10,000 for all late filing penalties assessed against political action committees or ballot question committees.

Chapter 190 also makes changes affecting the Maine Clean Election Act in the Maine Revised Statutes, Title 21-A, chapter 14. This portion of chapter 190:

1. Clarifies that candidates who have committed substantial violations of the Maine Clean Election Act or the campaign finance law are ineligible to receive public campaign funding under the Maine Clean Election Act;
2. Adjusts the quadrennial deadline for the Commission on Governmental Ethics and Election Practices to publish a study report concerning the Maine Clean Election Act so that the report is due on the March 15th after a gubernatorial election; and
3. Clarifies that the voters of this State may make \$5 qualifying contributions over the Internet according to the procedures established by the Commission on Governmental Ethics and Election Practices.

### **LD 1025     An Act To Allow Choice of Wine by Maine Consumers**

**ONTP**

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

This bill establishes a wine connoisseur permit. This permit provides that a person may order a total of 12 9-liter cases of wine per year shipped from a specialty wine permit holder by way of a common carrier. The fee for a wine connoisseur permit is \$75 per year.