

# MAINE STATE LEGISLATURE

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**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

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## 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:

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 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*

**LD 1168 An Act To Allow the Taste Testing of Malt Liquor and Spirits**

**ONTP**

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

This bill allows taste testing of distilled spirits in agency liquor stores and malt liquor in retail stores with off-premises licenses in the same manner and under the same conditions as wine taste testings are currently conducted.

**LD 1169 An Act To Amend the Election Laws**

**PUBLIC 253**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRINWARD	OTP-AM	H-311

This bill adds to the definition of "immediate family" and provides a definition for the "public counter" mechanism on a voting device. The bill establishes a retention period for direct initiative of legislation and people's veto petitions. The bill also clarifies the registrar's consideration of residency factors in determining the voting residence of an applicant and provides factors for the registrar to consider in verifying the identity of a voter. The bill expands the "fail safe" provision for a voter who moves to a new state before a presidential election from 30 days to 60 days before the election. The bill also provides that United States citizens who have never lived in the United States may register to vote at the Maine voting residence claimed by either of the person's parents. The bill increases the voter registration period before a presidential year municipal caucus from at least 30 minutes to at least one hour. The bill requires that decisions made by the authority hearing an appeal from a voter registration decision must be issued to the voter in writing. The bill authorizes the Secretary of State to determine the form of the registrar's enrollment certification on candidate petitions. It also clarifies that petition circulators must take oath that they "personally witnessed" all the signatures to the petition, rather than simply swearing that the signatures were made in the circulator's presence. The bill removes the requirement that a candidate's residence must be listed on the ballot. The bill changes the requirements for the number of copies of postings at the voting place from 2 to one and adds a new requirement for posting the list of declared write-in candidates next to the sample ballot. The bill amends the requirements for casting a write-in vote and clarifies the requirements for when a write-in vote may be counted. The bill further specifies the procedures for the counting of ballots by the election clerks. The bill changes the requirement for the Secretary of State to publish uniform guidelines for determining voter intent into rule-making authority and restores the authority of the Secretary of State to adopt rules governing recount procedures. The bill clarifies the requirement for when a copy of the voting list must be provided to the clerk after a recount. The bill also changes the references for absentee ballot e-mail requests to requests made by "electronic means." The bill clarifies the time period allowed for early processing of absentee ballots and requires municipalities that wish to process absentee ballots early to provide a copy of the notice of election to the Secretary of State by 30 days before the election. The bill prohibits a candidate from assisting an absentee ballot. This bill requires that an applicant for a direct initiative of legislation must submit a summary that explains the purpose and intent of the direct initiative along with the application form and allows the Secretary of State to have a 15-business-day period to review the first draft of the application.

**Committee Amendment "A" (H-311)**

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

This amendment adds definitions for "declared write-in candidate" and "undeclared write-in candidate." The amendment extends the period during which the Secretary of State must maintain direct initiative of legislation and people's veto petitions after the appeal period from 2 to 6 months. This amendment clarifies that the restriction on the registrar running for or holding office only applies to the electoral division in which the registrar is appointed and prohibits a candidate's treasurer from serving as a registrar in that electoral division. It removes a provision in the bill that eliminates the requirement that the municipality of residence be listed next to candidates printed on the ballot. The amendment clarifies that municipality of residence is not required to be listed for candidates for the office of President and Vice President of the United States. This amendment requires the Secretary of State to include the names of declared write-in candidates on the election return forms and requires write-in candidates to file their declarations of write-in candidacy with the Secretary of State 45 days before election day. It also removes the term "valid" when referring to write-in candidates who meet the declaration deadline. The amendment also adds language regarding candidate petition validity when signatures on those petitions do not meet the requirements prescribed but are also not proven to be fraudulent. The amendment also facilitates the use of the accessible voting system by persons with disabilities to cast a vote for a declared write-in candidate.

### **Enacted Law Summary**

Public Law 2009, chapter 253 makes several changes to the laws governing elections. It requires the Secretary of State to keep direct initiative and people's veto petitions in the Office of the Secretary of State for 6 months after any appeal period has passed. The law provides that a municipal registrar may not be treasurer for a candidate subject to an election in the electoral division in which the registrar is appointed. It also requires that a registration appeals board must issue decisions pertaining to voter registration to the voter in writing and include information on how to appeal the decision. The law lists forms of identification that may be offered by a person who wishes to register to vote. The law provides that a person who is a citizen the United States and has never lived in the United States may register to vote where that person's parent is a qualified elector. The law specifies when a registrar is required to be present at the time of a municipal caucus. The law also changes the criteria for determining the validity of candidate petitions or initiative and people's veto petitions when signatures on those petitions do not meet the requirements of the law, including whether or not the circulator personally witnessed the signature being written on the petition. The law provides that municipality of residence is not required to be printed on the ballot for write-in candidates or candidates for President or Vice President of the United States. The law also specifies that a declared write-in candidate is a write-in candidate who has registered prior to 45 days before an election. Only write-in candidates that meet the standard of a declared write in candidate are included in the count when votes are tabulated. The law does provide for a recount process for undeclared write-in candidates who agree to fund such a recount. The law provides that a municipality may not process absentee ballots prior to the close of the polls on election day if proper notice is not provided by 5:00 PM on the 30th day prior to election day. Chapter 253 provides for an audio ballot that provides an aural presentation of declared write-in candidates as an accessible voting accommodation. The law also requires applicants for a direct initiative to include a summary that explains the intent and purpose of the direct initiative along with the text of the law subject to the initiative. It also provides the Secretary of State an additional 5 business days to review the proposed law for proper form.

### **LD 1170      **Resolve, Directing the Secretary of State To Report on the Accuracy of Election Results****

**RESOLVE 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRINWARD	OTP-AM	H-187

This bill is a concept draft pursuant to Joint Rule 208.

This bill seeks to formalize the accuracy of voting by using the recounts that presently exist in a more formalized way.