

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
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

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

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:

<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 & 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 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

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.

Joint Standing Committee on Legal and Veterans Affairs

Committee Amendment "A" (H-187)

This amendment replaces the bill with a resolve directing the Secretary of State to examine recent election recounts and compare the election night vote tally with the recount vote tally for those elections. The Secretary of State is required to submit a report to the Joint Standing Committee on Legal and Veterans Affairs by February 15, 2010 and include recommendations for a formal system of examining election recount results to provide information on the accuracy of elections in the State.

Enacted Law Summary

Resolve 2009, chapter 55 directs the Secretary of State to examine recent election recounts and compare the election night vote tally with the recount vote tally for those elections. The Secretary of State is required to submit a report to the Joint Standing Committee on Legal and Veterans Affairs by February 15, 2010 and include recommendations for a formal system of examining election recount results to provide information on the accuracy of elections in the State.

LD 1189 An Act To Simplify and Improve the Maine Clean Election Laws

ONTP

Sponsor(s)

MILLS P

Committee Report

ONTP

Amendments Adopted

This bill amends the Maine Clean Election Act and combines seed money and qualifying checks into one composite qualifying system. Qualifying contributions are defined as any amount of \$5 to \$100 payable to the candidate or the campaign. To qualify, the candidate must raise contributions in numbers and amounts as follows:

1. For a gubernatorial candidate, a minimum of 3,250 contributors who contribute a total amount of \$32,500;
2. For a candidate for the State Senate, a minimum of 150 contributors who contribute a total amount of \$1,500; and
3. For a candidate for the House of Representatives, a minimum of 50 contributors who contribute a total amount of \$500.

The number of required contributors remains the same as in present law, but the minimum amount of money required is doubled from \$5 per contributor to what would be an average of \$10 if only the minimum number of contributors were obtained. Each \$5 contribution still counts and contributions up to \$100 are acceptable. Instead of submitting contributions to the commission, the candidates will submit only the acknowledgement signed by each contributor as evidence of the payment and support. Candidates will retain and use for campaign purposes all amounts collected. Because seed money is abolished and blended into the system for qualifying contributions, all private financial support must come in the form of qualifying contributions from voters within the candidate's own district. Distributions from the Maine Clean Election Fund are reduced by 1/2 of the qualifying contributions collected.

The qualifying period for any candidate is amended to start whenever the candidate files a declaration of intent. The qualifying period for an unenrolled candidate continues to end on June 2nd of each election year. The corresponding date for a party candidate remains at April 15th.

The bill makes clear that no revenue from the Maine Clean Election Fund may be pledged or applied to the collection of qualifying contributions.