

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

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.

Joint Standing Committee on Legal and Veterans Affairs

The bill also adds a private funding option for candidates. Before April 15th of an election year, a candidate whose campaign is supported by private contributions may elect to be covered by the matching fund protections of the Maine Clean Election Act if the candidate agrees to limit and does limit campaign contributions and expenditures to the amount that would be authorized for distribution to the candidate if the candidate were qualified as a Maine Clean Election Act candidate. A candidate making such an election is entitled to public matching funds as if the candidate had qualified as a Maine Clean Election Act candidate.

LD 1195 An Act To Allow Noncitizen Residents To Vote in Municipal Elections

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	ONTP MAJ OTP MIN	

This bill authorizes municipalities to allow noncitizen residents to vote in municipal elections.

LD 1197 An Act To Improve the Maine Clean Election Act

PUBLIC 286

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-214 S-246 DAMON S-291 SULLIVAN

This bill makes several changes to the laws governing clean elections and governmental ethics.

The bill amends the laws governing legislative ethics by expanding upon the prohibitions on certain campaign contributions from and solicitations of lobbyists, lobbyist associates or employers. It clarifies that the prohibitions apply to contributions to a political action committee closely associated with a Legislator, Governor or constitutional officer.

The bill amends the definition of "contribution" under the campaign reporting laws to clarify that the 40-hour limitation applies to individual employees'; contributions and not to the state party committee as a whole.

The bill amends the reporting requirements for political action committees found in the Maine Revised Statutes, Title 21-A, section 1059 to equalize the aggregate dollar threshold of their reporting requirements for contributions made within the final 2 weeks of an election with the aggregate threshold for candidates, found in Title 21-A, section 1017, subsection 3, paragraph C.

The bill requires a certified Maine Clean Election Act candidate to provide explanations of payments made to political committees to the Commission on Governmental Ethics and Election Practices to ensure that payments are made solely to promote that candidate's election.

Committee Amendment "A" (S-214)