

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

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

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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 HOUSES</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 Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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

fiscal year 2012-13 net income from the Bangor racino equal to \$50,000 be distributed to the General Fund for the administrative expenses of the Gambling Control Board be transferred to the Gambling Addiction Prevention and Treatment Fund. In fiscal year 2013-14 and for each fiscal year thereafter the transfer is increased to \$100,000. The Office of Substance Abuse is required to report annually to the joint standing committee of the Legislature having jurisdiction over gambling matters regarding the use of the fund.

LD 1330 An Act Regarding Gaming by Charitable Organizations

PUBLIC 487

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	OTP-AM	H-611

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

This bill repeals the existing chapter of the Maine Revised Statutes, Title 17 on games of chance and replaces it with a new chapter. The provisions governing games of chance are the same but structured differently with the intent of clarifying the provisions within the chapter. This bill makes changes to cross-references in order to comply with the new section numbers assigned to the games of chance provisions. The only substantive change made by the bill is to the definition of "slot machine," which is amended by the bill to be consistent with other references to slot machines in the law and to recognize the electronic nature of modern slot machines.

Committee Amendment "A" (H-611)

This amendment makes several technical changes and nonsubstantive clarifications to the bill. In the definitions it distinguishes between the machines that are eligible to be licensed and the machines that are not. It strikes the new proposed definition of "slot machine" and replaces it with a definition closer to the one in current law. The amendment incorporates sections of law that were enacted last year that permit nonmember volunteers of an organization to sell raffle tickets and an exception for certain organizations from the licensing requirement to conduct games of chance. It corrects an error in the bill with regard to the tournament game provision and replaces an inadvertently omitted section regarding evidence for investigation of violations. The amendment clarifies language and corrects duplicative provisions governing raffles. The amendment also specifies that a license for games of chance may be issued only to a person who is 18 years of age or older. This amendment also corrects cross-references.

Enacted Law Summary

Public Law 2009, chapter 487 repeals Chapter 14 of Title 17 which governs the licensing and conduct of games of chance by non-profit charitable organizations. This law enacts a new chapter to replace chapter 14 and makes non-substantive changes to clarify and organize the provisions of law governing games of chance.

LD 1345 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Required Number of Signatures for a Direct Initiative or a People's Veto and To Limit a Direct Initiative to One Subject

ACCEPTED ONTP REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL SULLIVAN	ONTP MAJ OTP-AM MIN	

Joint Standing Committee on Legal and Veterans Affairs

This resolution proposes to amend the Constitution of Maine to increase the number of signatures that a petitioner must gather for a people's veto or a direct initiative from not less than 10% of the total vote for Governor cast in the last gubernatorial election to not less than 20% of the total vote for Governor cast in the last gubernatorial election. It also limits a direct initiative to one subject.

LD 1420 An Act To Alter the Distribution of Maine Clean Election Act Funding to Gubernatorial Candidates

ONTP

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

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

This bill does the following.

1. It reduces from 3,250 to 750 the number of qualifying contributions required for a gubernatorial candidate to be certified as a Maine Clean Election Act candidate.
2. It provides that a Maine Clean Election Act gubernatorial candidate may continue to collect \$5 contributions from registered voters in the State.
3. It allows a voter who provides a \$5 qualifying contribution to a gubernatorial candidate in a contested primary to provide an additional \$5 contribution to that candidate after certification.
4. It provides that each \$5 qualifying contribution and each \$5 additional contribution must be matched by a distribution of \$55 from the Maine Clean Election Fund.
5. It increases the distribution limits for gubernatorial primary elections from \$200,000 to \$350,000 and for gubernatorial general elections from \$600,000 to \$750,000.

LD 1421 An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries

PUBLIC 471

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COTTA MITCHELL E	OTP-AM	H-602

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

This bill is a concept draft pursuant to Joint Rule 208. The purpose of this bill is to ensure the perpetual care of Maine veterans'; cemeteries. In order to accomplish this purpose, this bill establishes an irrevocable trust account within the Department of Defense, Veterans and Emergency Management for the exclusive purpose of maintenance, upkeep and care of veterans'; cemeteries within the State. Under the bill, the irrevocable trust will be authorized to receive, in addition to allocations from the Legislature, gifts, bequests and other funds from public or private agencies. Funds in the trust may not be encumbered for, or diverted to, purposes other than the maintenance and care of veterans'; cemeteries within the State.