

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

Committee Amendment "A" (H-602)

This amendment replaces the bill, which was a concept draft. The amendment establishes a fund to support the perpetual care of veterans' graves within the Maine Veterans' Memorial Cemetery System. The fund receives deposits from a portion of plot interment allowances provided by the United States Department of Veterans Affairs. The fund is authorized to receive public and private donations in addition to the plot interment allowance. The amendment directs the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to work with the Treasurer of State to develop a plan for investment of money in the fund and criteria for expenditures for the perpetual care of veterans' graves.

Enacted Law Summary

Public Law 2009, chapter 471 establishes a fund to support the perpetual care of veterans' graves within the Maine Veterans' Memorial Cemetery System. The fund receives deposits from a portion of plot interment allowances provided by the United States Department of Veterans Affairs. The fund is authorized to receive public and private donations in addition to the plot interment allowance. This law requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to work with the Treasurer of State to develop a plan for investment of money in the fund and criteria for expenditures for the perpetual care of veterans' graves.

LD 1437

An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations

ONTP

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

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

This bill allows operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections may apply for an initial license while they seek the required federal tax status. The organization applying for the license must own or lease the premises on which the terminals will be placed and must use the premises for its charitable or nonprofit purpose.

Video gaming terminal manufacturers, wholesalers and operators must be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval is required for a license to operate video gaming terminals.

The license specifies the number of terminals allowed on the premises, and the maximum number of terminals allowed is 5 per licensee. Terminals must be licensed by the Chief of the State Police and must be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a 5-year phase-in period, this computer system must provide continuous online monitoring of video gaming terminal activity. Persons under 21 years of age are not allowed to use the machines. Only members of the organization and their guests are allowed to play. The maximum dollar amount for each play is \$5 and the maximum payout is \$1,250. Each game on each machine must return at least 80% of wagers to players, calculated on an annual basis.

Joint Standing Committee on Legal and Veterans Affairs

Net terminal income, which is income after payback to players, is divided as follows: 8% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and Public Education Fund revenue; 2% to the Compulsive Gambler Rehabilitation Fund; and 90% to the licensee. Licenses are issued for one year. Applicants for an initial license must pay the actual costs of processing the application and performing the background investigation.

**LD 1546 An Act To Improve Disclosure of Campaign Finance Information and
the Operation of the Maine Clean Election Act**

PUBLIC 524

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-395

This bill amends the existing requirements for political action committees and party committees to file campaign finance reports within 24 hours of receiving large contributions and making large expenditures during the last 13 days before an election. Under the bill, the reporting requirements for political action committees and party committees in this 13-day period are the same as the requirements for candidates. The bill requires political action committees and party committees to report any contribution of \$1,000 or more received during the 13-day period. Under existing law, those contributions are not publicly reported until the regular financial report filed 42 days after the election. It also increases the threshold for political action committees and party committees to report large expenditures from \$500 to \$1,000. The bill clarifies when a party committee must itemize contributions in its regular campaign finance reports. It specifies that a party committee must itemize contributions received from the same source totaling more than \$200 during the time period covered by the report. The bill amends a requirement that a Maine Clean Election Act candidate keep a record specifying the work performed by a vendor if the candidate has paid \$500 or more in public campaign funds to the vendor. The bill limits the requirement to campaign staff and consulting services, rather than services provided by vendors generally.

Committee Amendment "A" (S-395)

This amendment strikes the provisions in the bill that change the reporting thresholds for political action committees, party committees and ballot question committees. The amendment exempts certain personal gifts from disclosure in the statement of sources of income that executive branch employees file with the Commission on Governmental Ethics and Election Practices. The exemption is for gifts made to the employee on the basis of personal friendship from sources other than lobbyists, as long as the employee has no reason to believe that the gift was made because of the employee's official position. The amendment also removes the requirement that the employee swear to the statement before filing it with the commission. The amendment permits the commission to subpoena records and testimony of witnesses from sources outside the State. It also permits the commission to waive the filing of accelerated campaign finance reports by traditionally financed candidates whose Maine Clean Election Act opponents have received the maximum amount of matching funds. For individuals or groups who are required to file independent expenditure reports of expenditures made to influence candidate elections, the amendment deletes the requirement to report contributions received. Under the amendment, if the commission receives a document from a gubernatorial candidate seeking Maine Clean Election Act funding that contains telephone numbers, e-mail addresses or bank account or credit card information of the candidate's contributors, the commission shall keep that information confidential, with limited exceptions. Also, the amendment clarifies that, starting in the 2010 elections, if there is insufficient money in the Maine Clean Election Fund, the commission may permit publicly funded candidates to raise contributions in the same amounts as traditionally financed candidates. The amendment clarifies what triggers reporting under the laws governing ballot question committees by replacing language with a cross-reference to an existing definition of "campaign." The amendment also corrects conflicts in current law.