

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:

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

LD 1437 An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations

Carried Over

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

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.

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.

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

LD 1448 An Act To Exempt Volunteer Lobbyists from State Disclosure Requirements

ONTP

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

The bill exempts from the definition of "lobbyist" individuals who received no compensation for lobbying other than reimbursement for travel within this State. Organizations providing such reimbursement would not need to register

Joint Standing Committee on Legal and Veterans Affairs

these individuals as lobbyists with the Commission on Governmental Ethics and Election Practices. The bill also eliminates the requirement that annual reports filed by lobbyists be signed by their clients, since those reports are primarily filed electronically on the commission's publicly accessible website.

LD 1451 An Act To Amend the Maine Clean Election Act and the Enforcement Procedures of the Commission on Governmental Ethics and Election Practices

PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-242

The bill makes changes to the enforcement procedures of the Maine Commission on Governmental Ethics and Election Practices with respect to candidates, political action committees and political committees. If the commission is considering finding the candidate or committee in violation or assessing a penalty, the candidate or committee may request that the commission conduct a formal adjudicatory hearing in accordance with the Maine Administrative Procedure Act.

The bill also clarifies that a candidate or political committee who has been found in violation may appeal the commission's determination to the Superior Court. If the candidate or committee does not appeal the commission's determination and does not pay a penalty assessed by the commission or return Maine Clean Election Act funds, the commission may enforce the penalty or order to return funds by submitting the commission's determination to the clerk of courts for Kennebec County, rather than by proving the violation through the initiation of a civil lawsuit.

The bill also amends the commission's calculation of the initial public funds payment made to legislative candidates participating in the Maine Clean Election Act. Currently, those payments are based solely on average spending by all candidates in the preceding 2 elections. The bill would permit the commission beginning September 1, 2011 to consider other factors, such as increases in the cost of campaigning, after seeking comment from the commission's legislative oversight committee, legislative leadership and other interested persons.

The bill also amends current requirements on candidates who pay campaign funds to members of the candidate's household or immediate family. It clarifies that the requirements apply to payees who are members of the candidate's household or who are members of the candidate's immediate family.

Committee Amendment "A" (S-242)

This amendment strikes the provisions of the bill that make changes to the enforcement procedures of the Commission on Governmental Ethics and Election Practices that would allow the commission to seek penalties and the return of Maine Clean Election Act funds based on the commission's determination through the clerk of courts if the entity subject to the penalty does not take action to appeal the commission's determination. The amendment also makes changes in the bill regarding the distribution of Maine Clean Election Act funds to gubernatorial candidates.

Enacted Law Summary

Public Law 2009, chapter 302 makes changes to the enforcement procedures of the Maine Commission on Governmental Ethics and Election Practices with respect to candidates, political action committees and political committees. It provides a process for the collection of unpaid penalties or the return of Maine Clean Election Funds through a civil action in Superior Court.

Chapter 302 also amends the commission's calculation of the initial public funds payment made to legislative candidates participating in the Maine Clean Election Act. Currently, those payments are based solely on average spending by all candidates in the preceding 2 elections. The law would permit the commission beginning September