

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
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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.

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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

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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.

This law 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.

Finally, this law makes changes to the distribution of Maine Clean Election Funds to participating gubernatorial candidates to be consistent with the changes made by LD 1380.

LD 1458 An Act To Increase Opportunities for Commercial Tracks and Agricultural Fairs

ONTP

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

This bill authorizes the operation of slot machines at a tribal commercial track and a commercial track that is located in Oxford County. The operation of slot machines at the newly authorized tracks is subject to regulation by the Department of Public Safety, Gambling Control Board. The operation of slot machines must be approved by the municipality in which the tribal commercial track or Oxford County commercial track is located before the Gambling Control Board may grant a license to operate slot machines within a 50-mile radius of the track that is licensed and conducts harness racing. This bill also authorizes the issuance of a high-stakes beano license to a federally recognized Indian tribe in the State to operate games on nontribal land in Washington County.

LD 1461 Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Matching Funds and Property and Equipment, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

**RESOLVE 90
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-392

This resolve provides for legislative review of portions of Chapter 3: Maine Clean Election Act and Related Provisions - matching funds and property and equipment, a major substantive rule of the Commission on Governmental Ethics and Election Practices.

Committee Amendment "A" (H-392)

This amendment directs the Commission on Governmental Ethics and Election Practices to adopt the provisionally adopted rules governing the Maine Clean Election Act on the condition that the rule governing the minimum amount that must be received from the resale of property and equipment be reduced from 75% to 40%.

Enacted Law Summary

Resolve 2009, chapter 90 directs the Commission on Governmental Ethics and Election Practices to adopt the provisionally adopted rules governing the Maine Clean Election Act on the condition that the rule governing the minimum amount that must be received from the resale of property and equipment be reduced from 75% to 40%.