

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Veterans and Legal Affairs

LD 1134 An Act To Make Municipal Recounts Consistent with State Recounts

PUBLIC 255

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-176

This bill makes most provisions governing recounts of state elections for office and ballot initiatives apply to recounts of municipal elections for office and referenda.

Committee Amendment "A" (S-176)

This amendment clarifies that election officials may take part in municipal recounts of elections. It also provides that a preliminary inspection of the ballots and the incoming voting list may be requested to determine whether or not to request a recount as established by the bill. That inspection process is based on what is in current law for the inspection of ballots at the municipal level. This amendment also makes technical changes to the bill, replacing the term "ballot inspection" with the term "recount" where applicable.

Enacted Law Summary

Public Law 2011, chapter 255 applies the process that governs recounts of state elections for office and ballot initiatives to recounts of municipal elections for office and referenda. Unlike state recounts, the municipal process established in this law provides that a preliminary inspection of the ballots and the incoming voting list may be requested to determine whether or not to request a recount as established by the bill. That inspection process is based on what is in current law for the inspection of ballots at the municipal level.

LD 1140 An Act To Amend the Dual Liquor License Law

ONTP

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

This bill allows a licensee who has a dual liquor license to serve wine and malt liquor on the premises. This bill also extends the time that wine and malt liquor may be served to 11:00 p.m.

LD 1141 An Act To Allow Direct Shipment of Beer and Wine by Retail Licensees

**ACCEPTED
ONTP REPORT**

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

This bill allows off-premise retail licensees of beer and wine to direct ship beer and wine in and outside the State subject to certain conditions, including:

Joint Standing Committee on Veterans and Legal Affairs

1. The transaction must be consummated on the licensed premises;
2. The beer or wine must be purchased from a licensed wholesaler;
3. The recipient must be 21 years of age or older and provide proof of age upon delivery;
4. The beer or wine may only be for personal use and not for resale; and
5. The package must contain a label on its exterior indicating that it contains alcohol and may only be delivered to a recipient who is 21 years of age or older.

LD 1150 An Act To Improve the Administration of the Legislative Ethics Laws Carried Over

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

This bill allows the Commission on Governmental Ethics and Election Practices to investigate a possible violation of legislative ethics upon its own motion. The bill requires the commission to allow a Legislator the opportunity to answer a complaint in writing and in person before the commission decides to conduct an investigation. The bill allows the commission to commence an investigation on information it receives other than through a complaint filed against a Legislator. The bill fixes cross-references.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1151 An Act Regarding Reporting Procedures of Lobbyists PUBLIC 179

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

This bill makes the following changes to the laws governing lobbyist disclosure procedures.

1. It requires the Commission on Governmental Ethics and Election Practices to display on its publicly accessible website monthly reports filed by lobbyists and an annual summary of those monthly reports.
2. It eliminates the requirement that lobbyists and employers of lobbyists file annual reports with the commission.
3. It establishes the procedure for the commission to follow after a registration or report is filed late and defines "mitigating circumstances" for purposes of determining in which cases the commission may waive a penalty.

Enacted Law Summary

Public Law 2011, chapter 179 makes the following changes to the laws governing lobbyist disclosure procedures.

1. It requires the Commission on Governmental Ethics and Election Practices to display on its publicly accessible website monthly reports filed by lobbyists and an annual summary of those monthly reports.