

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



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 Second 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.

<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation 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>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 125th Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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stores and rules to help facilitate the sale of slow-moving spirits products at agency liquor stores. The law also allows the Department of Public Safety's division of liquor licensing and enforcement to seek suspension or revocation of an on-premises license if the licensee violates the law that requires that all spirits be purchased from an agency liquor store or if the licensee reuses or refills liquor bottles in violation of state rules or federal regulations. Chapter 693 also requires the Department of Public Safety to contract for an auditor for the purpose of enforcing the law requiring on-premises licensees to purchase spirits from licensed reselling agents in the State.

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

PUBLIC 471

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

This bill was carried over from the First Regular Session of the 125th Legislature. It 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.

Enacted Law Summary

Public Law 2011, chapter 471 allows the Commission on Governmental Ethics and Election Practices to investigate a possible violation of legislative ethics upon its own motion. The law 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. Chapter 471 allows the commission to commence an investigation on information it receives other than through a complaint filed against a Legislator.

LD 1262 An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws

**MAJORITY
(ONTP) REPORT**

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

This bill was carried over from the First Regular Session of the 125th Legislature. It sets the basic penalties for filing a late report by a party committee and a political action committee to 5% of the committee's total contributions or expenditures for the relevant filing period multiplied by the number of calendar days late for a first violation, 10% for a second violation and 15% for a third and subsequent violation. The bill also changes the law setting out the maximum penalties to provide for a \$100,000 penalty for late reports required under the Maine Revised Statutes, Title 21-A, section 1019-B, subsection 3 and Title 21-A, sections 1056-B and 1059; a \$100,000 penalty for late state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E; a \$5,000 penalty for reports required under Title 21-A, section 1017, subsection 2, paragraph A; and a \$1,000 penalty for late reports by municipal, district and county committees required under Title 21-A, section 1017-A, subsection 4-B. The bill eliminates the cap on the penalty for reports required under Title 21-A, section 1017, subsection 3-A, paragraph A. The bill also allows the Commission on Governmental Ethics and Election Practices to assess a fine up to \$100,000 for a violation of the reporting requirements of Title 21-A, sections 1017 and 1019-B if it determines that the failure

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to file a timely and accurate report resulted in the late payment of matching funds. The bill also corrects a cross-reference.

LD 1469 An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM MAJ OTP-AM MIN	H-887

This bill was carried over from the First Regular Session of the 125th Legislature. It 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 the United States Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the federal 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; the maximum number of terminals allowed is five per premises of a 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 five-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, which is established in the bill, for administrative expenses, gambling rehabilitation, municipal revenue sharing and public education; 2% to the Compulsive Gambler Rehabilitation Fund, which is established in the bill; 15% to the General Fund; 10% to the host municipality; and 65% 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.

Committee Amendment "A" (H-887)

This amendment replaces the bill and is the majority report of the committee. This amendment permits the Gambling Control Board, after October 1, 2013, to issue a license to a charitable nonprofit organization that is a fraternal organization or a veterans' organization that is tax-exempt under the federal Internal Revenue Code to operate up to 5 slot machines at a facility that is owned or leased by the organization and serves as its primary headquarters for fulfilling its charitable mission. The organization must be able to demonstrate that it has a cash reserve of \$2,000 for each machine the organization intends to operate. An organization that wishes to apply prior to October 1, 2013, may file a declaration of intent to apply with the Gambling Control Board. An application must include a refundable \$5,000 deposit. The initial application fee for a slot machine operator license under this amendment is \$1,000, and the annual renewal fee is \$350. A slot machine operated by a charitable nonprofit organization is subject to the same central site monitoring that applies to casinos and slot machine facilities at harness racing tracks. The total number of slot machines available to be operated by nonprofit organizations statewide is 250, with only 100 available for licensure the first year. Ten percent of the net slot machine income is required to be deposited directly with the Gambling Control Board for administrative expenses and 8% goes directly