

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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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 1339 An Act To Amend the Process for Appeals of Liquor Licensing Decisions ONTP

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

This bill amends the hearing process conducted by the Department of Public Safety, Bureau of Liquor Enforcement of an appeal of a decision of municipal officers or county commissioners regarding the issuance, denial, renewal or revocation of a liquor license. This bill requires the bureau to hold a new evidentiary hearing and consider all pertinent evidence regarding the decision of the municipal officers or county commissioners. The bill also removes the current requirement that the bureau must find by clear and convincing evidence that a denial of an application was without justifiable cause before reversing that decision.

LD 1344 An Act To Fund Commuter and Passenger Rail Transportation in Maine MAJORITY (ONTP) REPORT

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

This bill amends the distribution of revenue from the operation of slot machines at the casino in Oxford County. It strikes the percentage of revenue to be distributed to the Sire Stakes Fund and to supplement harness racing purses. The bill takes the 2% that would have gone to those two funds and dedicates it to the State Transit, Aviation and Rail Transportation Fund for the purpose of developing passenger rail service between points within the State and Oxford County.

LD 1355 An Act To Encourage Transparency in Certain Organizations Involved in Political Campaigns ONTP

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

This bill requires certain disclosures and other requirements relating to campaign-related contributions, expenditures and public communications, including:

1. Prohibits a person who receives funds from the State or a political subdivision of the State from making an expenditure or public communication that initiates or influences a campaign until the funds are completely expended or, if the funds are in the form of a loan, until the loan is paid in full;
2. Requires certain disclaimers to be included in political action committee public communications that initiate or influence a campaign;

Joint Standing Committee on Veterans and Legal Affairs

- 3. Requires that a candidate receive the lowest rate for television airtime if a political action committee spends \$15,000 to run a televised communication concerning the candidate; and
- 4. Amends the definition of political action committee.

LD 1358 An Act To Amend the Requirements Concerning Small Restaurants That Serve Alcoholic Beverages

**PUBLIC 242
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS MCCORMICK	OTP-AM	H-366

This bill allows a restaurant with a seating capacity of fewer than 40 persons and only one restroom to be issued a dual liquor license.

Committee Amendment "A" (H-366)

This amendment replaces the bill, including the title. The amendment provides that restaurants licensed to serve alcoholic beverages for on-premises consumption with a seating capacity of 40 or fewer persons are only required to have one toilet facility. The amendment also adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2011, chapter 242 provides that restaurants licensed to serve alcoholic beverages for on-premises consumption with a seating capacity of 40 or fewer persons are only required to have one toilet facility.

Public Law, chapter 242 was enacted as an emergency measure effective June 7, 2011.

LD 1376 An Act To Preserve the Integrity of the Voter Registration and Election Process

PUBLIC 399

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

This bill eliminates registration of new voters on election day and during the two business days before election day, but does allow an already registered voter who has had a change of name or a change of address within the municipality to update voter registration records up to and including on election day. This bill changes the minimum hours required by the registrar to be open to accept new in-person registrations on the deadline for registration before election day. The bill also changes the requirements for the municipality to publish the registrar's hours for the deadline day in a newspaper having general circulation in the municipality at least 10 to 15 business days before election day, and provides that municipalities with a population of 2,500 or fewer may give notice by other means the registrar considers sufficient to provide notice to the voters. The bill establishes a provisional voting procedure, as required by the federal Help America Vote Act of 2002, 42 United States Code, Section 15482, to allow a person who has registered to vote but whose name was omitted from the voting list in error to vote using a provisional ballot. The bill requires that the municipal clerk or registrar resolve and either count or reject the provisional ballots within three business days after the election and report the status of the provisional ballots to the Secretary of State. The Secretary of State must publish the provisional ballot information on the Secretary of State's publicly accessible website at least 20 days after the election, so that provisional voters know whether or not their ballots were cast and counted. The bill also prohibits the issuance of absentee ballots after the third business day