

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. NICH S. FARNHAM, CHAIR
SEN. DEBRA D. PLOWMAN
SEN. JOHN L. PATRICK

REP. MICHAEL G. BEAULIEU, CHAIR
REP. JARROD S. CROCKETT
REP. MICHAEL J. WILLETTE
REP. DOUGLAS K. DAMON
REP. DAVID D. JOHNSON
REP. MICHAEL E. CAREY
REP. LINDA M. VALENTINO
REP. DIANE RUSSELL
REP. THOMAS R. W. LONGSTAFF
REP. BENJAMIN M. CHIPMAN
REP. WAYNE MITCHELL

STAFF:

DANIELLE D. FOX, LEGISLATIVE ANALYST
COLLEEN MCCARTHY REID, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
125TH LEGISLATURE
FIRST 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 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 1528

An Act To Amend the Election Laws and Other Related Laws

PUBLIC 342

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT TRAHAN	OTP-AM	H-474

This bill clarifies the requirements for the information that is created to help voters understand ballot questions, including the Attorney General's explanatory statement of what a "yes" vote favors and what a "no" vote opposes; the Office of Fiscal and Program Review's estimate of the fiscal impact on state revenues, appropriations and allocations of each ballot measure; and the Treasurer's Statement that accompanies each bond issue. This bill reorganizes the section on retention of election materials so that the incoming voting list is addressed separately from the ballots. The bill adds a voter's year of birth to the information that must be included on the incoming voting list and specifies that the incoming voting list is a public record after it is unsealed following the election. This bill reorganizes and enhances the sections of law governing the instructions that the Secretary of State must prepare for election officials and voters and details how informational materials must be made available to the voters. The bill clarifies the sections dealing with candidate withdrawals less than 60 days before a primary or general election. The bill also reorganizes the section of law governing how official ballots are provided to municipalities and specifies how the chain of custody must be maintained. This bill reorganizes the section of law governing how voted ballots are sealed and secured following the election and creates a separate section to describe the ballot security materials supplied by the Secretary of State. The bill creates a new requirement that a municipality must apply to the Secretary of State at least 60 days before an election to change the location of a voting place. The bill makes explicit that it is a crime for a person who is entrusted with another voter's marked ballot to disclose the contents of that ballot to another person. The bill also provides that absentee envelopes and applications are to be sealed separately from the ballots so that they become public records after they are unsealed. The bill permits the Secretary of State to authorize the municipal clerk, in the presence of the warden and an election clerk from each of the major parties, to open the sealed ballot security containers after an election for specific, limited purposes. The bill requires the municipal clerk or registrar to keep a log of the petitions that are submitted to the municipal office for certification. The bill also clarifies the supervisory experience required for candidates for the office of sheriff. The bill makes other routine or technical changes.

Committee Amendment "A" (H-474)

This amendment provides that a municipality with a population of 500 or less may open its voting place as late as 10:00 a.m. on election day. All other municipalities must open their voting places no later than 8:00 a.m. The amendment requires notification to be made to the state chairs of each political party when the Secretary of State authorizes a municipal clerk to open a sealed ballot container. Finally, the amendment adds a new section to the bill that prohibits a municipal clerk from removing absentee ballots from the municipal office to conduct in-person absentee voting unless requested to do so by the voter and prohibits a candidate or a member of the candidate's immediate family from assisting the clerk in delivering absentee ballots. The bill proposes to make the disclosure of another person's voted ballot a Class D crime. The amendment makes such disclosure a Class E crime.

Enacted Law Summary

Public Law 2011, chapter 342 is an omnibus bill dealing with many provisions in the election laws. It clarifies the requirements for the information that is created to help voters understand ballot questions, including the Attorney General's explanatory statement of what a "yes" vote favors and what a "no" vote opposes; the Office of Fiscal and Program Review's estimate of the fiscal impact on state revenues, appropriations and allocations of each ballot measure; and the Treasurer's Statement that accompanies each bond issue. Chapter 342 reorganizes the section of statute on retention of election materials so that the incoming voting list is addressed separately from the ballots. It adds a voter's year of birth to the information that must be included on the incoming voting list and specifies that the

Joint Standing Committee on Veterans and Legal Affairs

incoming voting list is a public record after it is unsealed following the election. This law reorganizes and enhances the sections of law governing the instructions that the Secretary of State must prepare for election officials and voters and details how informational materials must be made available to the voters. Chapter 342 clarifies the sections dealing with candidate withdrawals less than 60 days before a primary or general election. It also reorganizes the section of law governing how official ballots are provided to municipalities and specifies how the chain of custody must be maintained. Chapter 342 reorganizes the section of law governing how voted ballots are sealed and secured following the election and creates a separate section to describe the ballot security materials supplied by the Secretary of State. This law creates a new requirement that a municipality must apply to the Secretary of State at least 60 days before an election to change the location of a voting place. Chapter 342 clarifies the statute so it is explicit that it is a crime for a person who is entrusted with another voter's marked ballot to disclose the contents of that ballot to another person. This law also provides that absentee envelopes and applications are to be sealed separately from the ballots so that they become public records after they are unsealed. Under this law, the Secretary of State may authorize the municipal clerk, in the presence of the warden and an election clerk from each of the major parties, to open the sealed ballot security containers after an election for specific, limited purposes. In the event of opening a sealed ballot security container, chapter 342 requires notification to be made to the state chairs of each political party. This law requires the municipal clerk or registrar to keep a log of the petitions that are submitted to the municipal office for certification. Chapter 342 also clarifies the supervisory experience required for candidates for the office of sheriff. This law provides that a municipality with a population of 500 or less may open its voting place as late as 10:00 a.m. on election day. All other municipalities must open their voting places no later than 8:00 a.m. Finally, chapter 342 prohibits a municipal clerk from removing absentee ballots from the municipal office to conduct in-person absentee voting unless requested to do so by the voter and prohibits a candidate or a member of the candidate's immediate family from assisting the clerk in delivering absentee ballots.

LD 1539 An Act To Improve Laws on Gaming

Carried Over

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve the laws governing gaming.

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

LD 1541 An Act To Amend the Campaign Finance Laws

**PUBLIC 389
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNHAM	OTP-AM	S-263

This bill amends the campaign finance laws by:

1. Extending the time period within which the Commission on Governmental Ethics and Election Practices must meet during the 28 days before an election upon the filing of a complaint. The bill provides that the commission shall meet within two business days, rather than the current period of one calendar day, and allows the commission