

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.

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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

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to defer hearing minor complaints until after the election;

2. Clarifying that the commission is authorized to investigate disclosure violations by all organizations required to file campaign finance reports with the commission, including party committees and ballot question committees;
3. Maintaining the requirement that a candidate seeking elective office in a town or city with a population of 15,000 or more, and a political action committee seeking to promote or oppose ballot questions in those municipalities, register and file campaign finance reports with the municipal clerk. The town or city must keep these reports for eight years;
4. Exempting from the definition of "contribution" and "expenditure" any purchase of apparel from a commercial vendor with a cost of \$25 or less when the vendor received a graphic or design from a candidate;
5. Defining the term "influence" in campaign finance disclosure requirements to mean promoting, supporting, opposing or defeating a candidate or ballot question, in order to better describe those activities that require campaign finance disclosure. The bill makes corresponding changes to the definition of "expenditure," "campaign" and other disclosure requirements throughout the campaign finance laws;
6. Extending the expenditure exception for news stories, commentaries and editorials to communications distributed through a cable television system or publicly accessible site on the Internet, except in cases where the facility distributing the story or editorial has been compensated by a political party or candidate;
7. Prohibiting a candidate who is seeking Maine Clean Election Act funding from serving as the treasurer of the candidate's political campaign, except during the 14 days after the candidate registers until the candidate identifies another person to serve as treasurer;
8. Extending the attribution and disclaimer requirements for advertisements distributed through cable television systems;
9. Exempting small electronic media advertisements from the attribution and disclaimer requirements when compliance would be impractical due to size or character limitations;
10. Increasing the penalty for violations of the attribution and disclaimer requirements to \$5,000 per violation, except that a penalty of \$200 applies to yard signs that are in violation;
11. Creating exceptions to the attribution and disclaimer requirements for handbills, campaign signs and Internet activities costing \$100 or less by individuals acting independently of and without authorization by candidates, political action committees and party committees;
12. Extending contribution limitations to donations raised by a candidate on behalf of a political action committee that is organized primarily to promote that candidate;
13. Exempting from the independent expenditure reporting requirement opinion polls conducted by telephone, telephone calls made to identify individuals; positions on candidates and voter guides consisting primarily of candidates; responses to surveys and questionnaires;
14. Increasing the civil penalties for the late filing of campaign finance reports by political action committees and party committees when more than \$50,000 in financial activity is reported late;
15. Clarifying that organizations that donate to a political action committee do not qualify as a political action committee merely by making a donation;

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16. Requiring a political action committee to identify candidates or campaigns that the committee intends to support or oppose at the time of registration;
17. Specifying that qualifying contributions received by a candidate seeking Maine Clean Election Act funding that are collected more than five business days before the candidate files the declaration of intent with the commission are not valid;
18. Clarifying that the executive director of the commission shall make the initial determination whether a candidate has met the qualifications to receive Maine Clean Election Act funding, and that candidates and interested persons may appeal the executive director's determination to the members of the commission, in accordance with current practice;
19. Requiring a candidate seeking Maine Clean Election Act funding to qualify as a candidate no later than five business days after the end of the period to qualify for public funding;
20. Permitting the commission to decline to pay Maine Clean Election Act funding to candidates who have submitted fraudulent qualifying contributions or acknowledgment forms;
21. Prohibiting a candidate from spending Maine Clean Election Act funds to purchase computers or telephones with enhanced computing or electronic mail capabilities;
22. Requiring a candidate who spends Maine Clean Election Act funds for advertising on cable television systems to include closed-captioning, except for advertisements aired in the final 4 days before an election if inclusion of the closed-captioning during that period is impractical or would materially affect the timing of the candidate's advertisement;
23. Requiring a legislative candidate who is not enrolled in a political party to qualify for Maine Clean Election Act funding by the same deadline as a legislative candidates who is enrolled in a political party; and
24. Requiring a Maine Clean Election Act candidate who pays more than \$500 in Maine Clean Election Act funds to a vendor who has provided campaign staff or consulting services to keep a record that was created contemporaneously with the provision of services.

Committee Amendment "A" (S-263)

This amendment strikes two provisions that amended the definition of "expenditure" to exclude expenses incurred in the production or distribution of a news story through various media as long as the media is not owned or controlled by a candidate or political action committee or owned or controlled by someone directly connected to the candidate or political action committee, and in their place authorizes the Commission on Governmental Ethics and Election Practices to submit legislation to address issues in the laws governing disclosure of those expenditures in candidate campaigns and by political action committees. The amendment also makes two technical changes to correct references in current law.

Enacted Law Summary

Public Law 2011, chapter 389 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 to defer hearing minor complaints until after the election;
2. Clarifying that the commission is authorized to investigate disclosure violations by all organizations required to file campaign finance reports with the commission, including party committees and ballot question committees;

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3. Maintaining the requirement that a candidate seeking elective office in a town or city with a population of 15,000 or more, and a political action committee seeking to promote or oppose ballot questions in those municipalities, register and file campaign finance reports with the municipal clerk. The town or city must keep these reports for eight years;
4. Exempting from the definition of "contribution" and "expenditure" any purchase of apparel from a commercial vendor with a cost of \$25 or less when the vendor received a graphic or design from a candidate;
5. Defining the term "influence" in campaign finance disclosure requirements to mean promoting, supporting, opposing or defeating a candidate or ballot question, in order to better describe those activities that require campaign finance disclosure. The bill makes corresponding changes to the definition of "expenditure," "campaign" and other disclosure requirements throughout the campaign finance laws;
6. Authorizing the Commission on Governmental Ethics and Election Practices to submit legislation to address issues in the laws governing disclosure of expenditures in candidate campaigns and by political action committees for news stories, commentaries and editorials to communications distributed through a cable television system or publicly accessible site on the Internet, except in cases where the facility distributing the story or editorial has been compensated by a political party or candidate;
7. Prohibiting a candidate who is seeking Maine Clean Election Act funding from serving as the treasurer of the candidate's political campaign, except during the 14 days after the candidate registers until the candidate identifies another person to serve as treasurer;
8. Extending the attribution and disclaimer requirements for advertisements distributed through cable television systems;
9. Exempting small electronic media advertisements from the attribution and disclaimer requirements when compliance would be impractical due to size or character limitations;
10. Increasing the penalty for violations of the attribution and disclaimer requirements to \$5,000 per violation, except that a penalty of \$200 applies to yard signs that are in violation;
11. Creating exceptions to the attribution and disclaimer requirements for handbills, campaign signs and Internet activities costing \$100 or less by individuals acting independently of and without authorization by candidates, political action committees and party committees;
12. Extending contribution limitations to donations raised by a candidate on behalf of a political action committee that is organized primarily to promote that candidate;
13. Exempting from the independent expenditure reporting requirement opinion polls conducted by telephone, telephone calls made to identify individuals' positions on candidates and voter guides consisting primarily of candidates' responses to surveys and questionnaires;
14. Increasing the civil penalties for the late filing of campaign finance reports by political action committees and party committees when more than \$50,000 in financial activity is reported late;
15. Clarifying that organizations that donate to a political action committee do not qualify as a political action committee merely by making a donation;
16. Requiring a political action committee to identify candidates or campaigns that the committee intends to support or oppose at the time of registration;

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17. Specifying that qualifying contributions received by a candidate seeking Maine Clean Election Act funding that are collected more than five business days before the candidate files the declaration of intent with the commission are not valid;
18. Clarifying that the executive director of the commission shall make the initial determination whether a candidate has met the qualifications to receive Maine Clean Election Act funding, and that candidates and interested persons may appeal the executive director's determination to the members of the commission, in accordance with current practice;
19. Requiring a candidate seeking Maine Clean Election Act funding to qualify as a candidate no later than five business days after the end of the period to qualify for public funding;
20. Permitting the commission to decline to pay Maine Clean Election Act funding to candidates who have submitted fraudulent qualifying contributions or acknowledgment forms;
21. Prohibiting a candidate from spending Maine Clean Election Act funds to purchase computers or telephones with enhanced computing or electronic mail capabilities;
22. Requiring a candidate who spends Maine Clean Election Act funds for advertising on cable television systems to include closed-captioning, except for advertisements aired in the final 4 days before an election if inclusion of the closed-captioning during that period is impractical or would materially affect the timing of the candidate's advertisement;
23. Requiring a legislative candidate who is not enrolled in a political party to qualify for Maine Clean Election Act funding by the same deadline as a legislative candidates who is enrolled in a political party; and
24. Requiring a Maine Clean Election Act candidate who pays more than \$500 in Maine Clean Election Act funds to a vendor who has provided campaign staff or consulting services to keep a record that was created contemporaneously with the provision of services.

Chapter 389 was enacted as an emergency measure effective June 20, 2011.