

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
SECOND REGULAR SESSION



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

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

June 2012

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 T. 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
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.

Joint Standing Committee on Veterans and Legal Affairs

Public Law 2011, chapter 481 allows the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to release information about veterans to municipalities for the purpose of establishing or updating a veterans honor roll. The bureau determines the form by which municipal officials may request that information.

**LD 1663 An Act To Correct Errors in Recently Enacted Laws Governing Agency
Liquor Stores**

**PUBLIC 497
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	S-395

The purpose of this bill is to make technical amendments to the law to correctly reflect the intent of the Legislature when it enacted Public Law 2011, chapter 460. This bill adjusts the license fee and eliminates language in order to conform the law to the legislative documents that were adopted by the Legislature.

Committee Amendment "A" (S-395)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 497 makes technical amendments to the law to correctly reflect the intent of the Legislature when it enacted Public Law 2011, chapter 460. It adjusts the license fee and eliminates language in order to conform the law to the legislative documents that were adopted by the Legislature.

LD 1663 was enacted as an emergency measure effective March 14, 2012.

LD 1664 An Act To Amend the Election Laws

PUBLIC 534

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNHAM	OTP-AM	S-402

This bill clarifies the retention period for ballots and election materials, moves the retention of absentee ballot materials into its own provision of law and increases the retention period for incoming voting lists from 2 years to 5 years following an election. The bill creates a separate section of law in which the deadline for registration is provided. The bill changes the date by which a municipality must publish the schedule before an election. The bill provides that when a township voter registers to vote less than 60 days before an election in a municipality that has different electoral districts from the township and the municipality has not received the voter's proper ballot, the township voter is not entitled to vote for offices or questions that are within those different districts and the election clerk must mark the ballot accordingly. The bill also adds year of birth to the voter registration data that may be obtained for authorized use by a governmental or quasi-governmental agency. The bill corrects an error in the law regarding the nomination of nonparty candidates from a reference to the primary election to a reference to the general election. The bill also requires the Secretary of State to provide written instructions to municipalities to be used to direct absentee voters to the publicly accessible website where the Treasurer's Statement for a statewide bond issue may be viewed. The bill removes from the allowable reasons for challenging a person's right to vote that the person is not a registered voter. The bill adds to the circumstances under which the Secretary of State may authorize a municipal clerk to open the state tamper-proof ballot containers after the election. The bill clarifies the

Joint Standing Committee on Veterans and Legal Affairs

restrictions on issuing an absentee ballot. The bill adds to the circumstances in which a duplicate absentee ballot may be issued to a voter the situation in which there is a defect on the voter's affidavit on the absentee ballot envelope that would cause the ballot to be rejected. The bill also clarifies the types of facilities where the municipal clerk is required to go to conduct absentee voting during the 30 days prior to an election. The bill also provides that the deadlines for voter registration and requesting an absentee ballot do not apply to uniformed service voters and overseas voters.

Committee Amendment "A" (S-402)

This amendment strikes the provision of the bill that applies to a township voter who uses the special provision in election law that permits the voter to vote in a nearby municipality when a voting place has not been established in the voter's township. The bill provides that if the township voter fails to register prior to 60 days before an election and the town does not have sufficient ballots for that township voter, the voter must vote a ballot from the municipality that has been amended to include only those questions and offices for which the township voter is eligible to vote. This amendment allows for more flexibility to provide correct ballots to a township voter who registers after 60 days prior to an election and provides that the voter will only have to vote using an amended ballot when there is not enough time to furnish the election clerk with sufficient township ballots.

Enacted Law Summary

Public Law 2011, chapter 534 moves the retention of absentee ballot materials into its own provision of law and increases the retention period for incoming voting lists from 2 years to 5 years following an election. It creates a separate section of law in which the deadline for registration is provided. The law changes the date by which a municipality must publish the schedule before an election. This law allows for more flexibility to provide correct ballots to a township voter who registers after 60 days prior to an election and provides that the voter will only have to vote using an amended ballot when there is not enough time to furnish the election clerk with sufficient township ballots. Chapter 534 also adds year of birth to the voter registration data that may be obtained for authorized use by a governmental or quasi-governmental agency. It corrects an error in the law regarding the nomination of nonparty candidates from a reference to the primary election to a reference to the general election. This law also requires the Secretary of State to provide written instructions to municipalities to be used to direct absentee voters to the publicly accessible website where the Treasurer's Statement for a statewide bond issue may be viewed. Chapter 534 removes from the allowable reasons for challenging a person's right to vote that the person is not a registered voter. It adds to the circumstances under which the Secretary of State may authorize a municipal clerk to open the state tamper-proof ballot containers after the election. This law clarifies the restrictions on issuing an absentee ballot and adds to the circumstances in which a duplicate absentee ballot may be issued to a voter, the situation when there is a defect on the voter's affidavit on the absentee ballot envelope that would cause the ballot to be rejected. It also clarifies the types of facilities where the municipal clerk is required to go to conduct absentee voting during the 30 days prior to an election. Finally, chapter 534 provides that the deadlines for voter registration and requesting an absentee ballot do not apply to uniformed service voters and overseas voters.

LD 1719 An Act To Update the Powers and Duties of the Bureau of Maine Veterans' Services

PUBLIC 539

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNHAM	OTP-AM	S-430

This bill allows the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to enter into an agreement with a health care provider to exchange information about a patient of the health care provider and provide assistance in obtaining benefits accruing to that patient as a result of federal or state military service. This bill also specifies that interment of a veteran or a dependent of a veteran in the Maine Veterans' Memorial Cemetery System is permanent but gives the director the discretion to allow disinterment