

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
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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 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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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

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as long as there is no cost to the State.

Committee Amendment "A" (S-430)

This amendment strikes a provision in the bill that authorizes 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 assist the director in obtaining benefits for veterans. The amendment directs the Bureau of Maine Veterans' Services and the Office for Family Independence within the Department of Health and Human Services to submit a report to the Joint Standing Committee of the Legislature having jurisdiction over veterans matters and the Joint Standing Committee of the Legislature having jurisdiction over health and human services matters on their ongoing efforts to identify veterans who have received or are receiving Medicaid benefits in order to determine if a veteran is eligible for federally funded benefits from the United States Department of Veterans Affairs. The Joint Standing Committee of the Legislature having jurisdiction over veterans matters may report out a bill to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 539 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 as long as there is no cost to the State. The law also directs the Bureau of Maine Veterans' Services and the Office for Family Independence within the Department of Health and Human Services to submit a report to the Joint Standing Committee of the Legislature having jurisdiction over veterans matters and the Joint Standing Committee of the Legislature having jurisdiction over health and human services matters on their ongoing efforts to identify veterans who have received or are receiving Medicaid benefits in order to determine if a veteran is eligible for federally funded benefits from the United States Department of Veterans Affairs. Under this law, the joint standing committee of the Legislature having jurisdiction over veterans matters is authorized to report out a bill to the First Regular Session of the 126th Legislature.

LD 1771 An Act To Amend Maine's Gambling Laws

PUBLIC 585

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNHAM	OTP-AM	S-491

This bill makes the following changes to the laws governing gambling.

1. It permits licensed slot machine distributors to also distribute table games.
2. It creates the Class C criminal offense of theft at or from a casino or slot machine facility.
3. It clarifies that accredited postsecondary institutions may possess and operate slot machines and table games for training and educational purposes.

Committee Amendment "A" (S-491)

This amendment specifies that a training program for the operation of slot machines and table games at an accredited postsecondary institution is subject to criteria established by the Department of Public Safety, Gambling Control Board and that wagers used as part of the training program are for demonstration purposes only. The amendment clarifies a provision in the bill that permits a licensed slot machine distributor to also be licensed as a table game distributor by addressing a conflict in current law and by adding that a licensed table game distributor may also be licensed as a slot machine distributor. To hold both a slot machine distributor license and a table game distributor license, a person is required to apply for and pay the license fee for each license as is required by current law. The