

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
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

amendment provides that table games and slot machines used for training programs are not subject to registration fees. The amendment strikes the provision of the bill that adds theft at or from a casino or slot machine facility to the list of violations of the laws governing the operation of slot machines and table games that are Class C crimes. The amendment establishes a new category of theft in the Maine Criminal Code, theft at a casino or slot machine facility. This provision in the amendment coincides with existing rules that allow for a slot machine facility operator or casino operator to exclude a person from the facility who commits theft at a casino or slot machine facility.

Enacted Law Summary

Public Law 2011, chapter 585 allows for the use of slot machines and table games at accredited postsecondary institutions when part of a training program approved by the Gambling Control Board. Machines used for this purpose are registered with the board but not subject to the \$100 registration fee required of slot machines and table games operated at a casino. It provides that a slot machine distributor may also be licensed as a table game distributor subject to the existing fees and licensing requirements in current law. Current Gambling Control Board rules allow for certain people to be excluded from a casino or slot machine facility if they have committed certain violations or crimes. Chapter 585 creates a specific category for theft by unauthorized taking or transfer when it occurs at a casino or slot machine facility. This category of theft is included among the crimes for which the Gambling Control Board can exclude persons from a casino or slot machine facility in accordance with its rules.

LD 1774 An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act

PUBLIC 558

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ OTP-AM MIN	H-780 BEAULIEU

This bill is the majority report of the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2011, chapter 103, section 2. It strikes provisions governing and references to matching funds within the Maine Clean Election Act in response to the 2011 ruling of the United States Supreme Court in *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011). The bill also repeals candidate and independent expenditure reporting requirements directly related to the matching funds provisions. The bill includes an appropriations and allocations section.

House Amendment "C" (H-780)

This amendment strikes and replaces the appropriations and allocations section in the bill and also removes the emergency preamble and the emergency clause from the bill.

Enacted Law Summary

Public Law 2011, chapter 558 strikes provisions of the Maine Clean Election Act that established or referred to the part of the program that provide matching funds for candidates participating in the campaign financing program.

LD 1806 An Act To Promote Transparency in Government

PUBLIC 634

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM MAJ OTP-AM MIN	H-935 CROCKETT S-523

Joint Standing Committee on Veterans and Legal Affairs

This bill makes the following changes to the laws governing financial disclosure by Legislators and certain executive employees.

1. It changes the definition of "associated organization" in the laws governing financial disclosure by Legislators to provide that an organization with which a member of a Legislator's immediate family, rather than only the Legislator's spouse as in current law, holds a certain position is an associated organization and to add managerial employees to the list of the positions in an organization covered in the definition.
2. It requires a Legislator who has completed service to file a statement within 45 days of the last day of service to disclose the Legislator's sources of income in the Legislator's final year of service.
3. It requires a Legislator who is an employee of another to identify the title of the position held by the Legislator.
4. It requires that, if a member of a Legislator's immediate family received income of \$1,000 or more in compensation in a calendar year, the Legislator must identify the source of the compensation, the type of the economic activity and the title of the position held by the immediate family member.
5. It requires a Legislator to identify each executive branch agency to which an associated organization has sold goods or services with a value in excess of \$1,000.
6. It adds domestic partners to the definition of "immediate family" in the laws governing financial disclosure by certain executive employees.
7. It requires that, if a member of an executive employee's immediate family received income of \$1,000 or more in compensation in a calendar year, the executive employee must identify the source of the compensation, the type of the economic activity and the title of the position held by the immediate family member.
8. It requires an executive employee to identify each executive branch agency to which an associated organization has sold goods or services with a value in excess of \$1,000.
9. It requires an executive employee whose employment has terminated to file a statement of finances and a statement of positions within 45 days after the termination of employment relating to the final calendar year of the employment.

Committee Amendment "A" (S-523)

This amendment is the majority report of the committee and amends the laws governing disclosure reports required of Legislators and certain executive branch employees. It amends the bill by clarifying the definition of "income" as it applies to reporting and disclosures by Legislators and executive employees. The amendment changes the definition of "managerial employee," which is used in the bill's definition of "associated organization." The amendment reorganizes the provisions in current law that require disclosure reports by Legislators and executive employees so that the provisions are consistent. New disclosure requirements include the organizations or businesses controlled by a Legislator or executive employee that receive revenue of \$2,000 or more but don't provide income directly to the Legislator or executive employee and a disclosure if the Legislator or employee holds certain positions with a political action committee or ballot question committee. Current law requires a Legislator or executive employee to disclose when that Legislator or executive employee or the Legislator's or executive employee's immediate family sold goods or services to an executive branch agency valued at \$1,000 or more. The amendment clarifies that this disclosure applies to any state agency, board or commission and requires disclosure if a Legislator or an executive employee, a member of a Legislator's or executive employee's immediate family or an associated organization sold, rented or leased goods or services valued at \$10,000 or more. This amendment also provides further information on what is meant by a substantial change as it applies to the requirement that a Legislator or executive employee file a report within 30 days if there is a substantial change in income, position or

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reportable liabilities since the last disclosure form. The amendment states that the 30-day change report applies to Legislators, executive employees and their immediate families, excluding dependent children.

House Amendment "A" To Committee Amendment "A" (H-935)

This amendment requires the Commission on Governmental Ethics and Election Practices to adopt rules to exclude an estranged spouse or domestic partner from the income reporting requirements for immediate family members of Legislators and executive employees.

Enacted Law Summary

Public Law 2011, chapter 634 makes several changes to the laws that require legislators and certain executive employees to disclose sources of income, interests and liabilities. The law increases the threshold amount that triggers disclosure of income from \$1,000 to \$2,000. It clarifies the definition of income to mean gross income and to exclude certain things like alimony and child support payments. It specifies that when reporting the source of the income for a legislator, employee or immediate family member, the disclosure must state the position held by the person and the type of economic activity that resulted in the income. It adds a requirement that disclosure reports must be filed within 45 days of leaving legislative service or employment with the executive branch. It clarifies the requirement to disclose when a legislator, an executive employee or members of their immediate family are paid for goods and services provided to a state agency and increases that reporting threshold from \$1,000 to \$10,000. Chapter 634 also requires that a legislator or executive employee disclose when they are a key decision maker with a political action committee or ballot question committee. It adds a requirement to disclose income of \$2,000 or more by a limited liability company, partnership or other business in which a legislator, executive employee or their family members have at least 50% interest in, even if no income was received by that person during the reporting period. Chapter 634 also makes non-substantive changes to laws governing disclosures by legislators and executive employees to provide consistency between the disclosure provisions and to clarify existing law.

LD 1828 An Act To Protect Public Safety in the Operation of Casinos

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNHAM	OTP-AM	S-431

This bill appropriates funds to establish 10 new positions in the Department of Public Safety and provides funding for licensing and monitoring software for the Gambling Control Board to regulate gambling in the State. The provisions of this bill were incorporated into the supplemental budget bill, LD 1746 which was enacted to become Public Law 2011, chapter 657.

Committee Amendment "A" (S-431)

This amendment incorporates a fiscal note.

LD 1871 Resolve, Creating an Honorable Service Plaque To Honor Maine Veterans

RESOLVE 163

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COTTA SAVIELLO	OTP-AM	H-853