

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2013

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STATE OF MAINE

126TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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 242

An Act To Improve the Military Bureau Laws

PUBLIC 251

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE BEAULIEU	OTP-AM	S-131

This bill makes the following changes to the laws.

1. It specifies that the Adjutant General may execute cooperative agreements and other arrangements necessary to operate the Department of Defense, Veterans and Emergency Management and provides that the Adjutant General serves as the Governor's homeland security advisor.
2. Under current law, the Director of the Maine Emergency Management Agency is appointed by, and serves at the pleasure of, the Commissioner of Defense, Veterans and Emergency Management. This bill instead provides that the Director of the Maine Emergency Management Agency is appointed by the Governor upon the recommendation of the commissioner, reports administratively to the commissioner and serves at the pleasure of the Governor.
3. It renames the State Area Command as the Joint Force Headquarters and includes a reference to Air National Guard units.
4. It repeals and replaces the section of law that determines the disposition of revenue generated by the Maine Military Authority to additionally authorize the transfer of unreserved retained earnings, in the amount of \$10,000 annually, to each of 3 accounts that may be established within the Military Bureau to be used for official representation funds, for unfunded priorities identified by the Adjutant General and for the Maine National Guard Foundation Fund.
5. Under current law, a general officer commander may impose a certain level of disciplinary punishment. The bill instead specifies that this level of disciplinary punishment may be imposed by a colonel in the chain of command of the individual being punished.
6. It provides that any person subject to the Maine Code of Military Justice who commits an offense under the Maine Criminal Code's chapter governing sexual assaults is also guilty of violating the Maine Code of Military Justice.

Committee Amendment "A" (S-131)

This amendment clarifies that when the Adjutant General executes cooperative agreements they are limited to the purposes described or defined by statute.

Enacted Law Summary

Public Law 2013, chapter 251 does the following.

1. It specifies that the Adjutant General may execute cooperative agreements and other arrangements necessary to operate the Department of Defense, Veterans and Emergency Management and provides that the Adjutant General serves as the Governor's homeland security advisor.
2. Under current law, the Director of the Maine Emergency Management Agency is appointed by, and serves at the pleasure of, the Commissioner of Defense, Veterans and Emergency Management. This law instead provides that the Director of the Maine Emergency Management Agency is appointed by the Governor upon the recommendation of the commissioner, reports administratively to the commissioner and serves at the pleasure of the Governor.

Joint Standing Committee on Veterans and Legal Affairs

- 3. It renames the State Area Command as the Joint Force Headquarters and includes a reference to Air National Guard units.
- 4. It repeals and replaces the section of law that determines the disposition of revenue generated by the Maine Military Authority to additionally authorize the transfer of unreserved retained earnings, in the amount of \$10,000 annually, to each of three accounts that may be established within the Military Bureau to be used for official representation funds, for unfunded priorities identified by the Adjutant General and for the Maine National Guard Foundation Fund.
- 5. Under current law, a general officer commander may impose a certain level of disciplinary punishment. Chapter 251 specifies that this level of disciplinary punishment may be imposed by a colonel in the chain of command of the individual being punished.
- 6. It provides that any person subject to the Maine Code of Military Justice who commits an offense under the Maine Criminal Code's chapter governing sexual assaults is also guilty of violating the Maine Code of Military Justice.

LD 320 An Act To Ensure the Integrity of the Election Process ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH CRAVEN	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to review ways to remedy errors made in the course of the conduct of elections including, but not limited to, the circumstances under which a new election is a more appropriate remedy than a recount.

LD 328 An Act Relating to Radon Testing and Disclosure to Tenants PUBLIC 324

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE CRAY	OTP-AM ONTP	S-226

This bill repeals the current provisions in law related to mandatory radon testing and disclosure of the presence of radon to tenants and prospective tenants in residential buildings and enacts provisions related to disclosure of a radon hazard to tenants and prospective tenants based on Illinois law. The bill provides that radon testing is not required, but requires the disclosure of a radon hazard to tenants and prospective tenants when a landlord is made aware of test results indicating the presence of a radon hazard and mitigation has not been performed to reduce the level of radon. The bill applies to dwelling units located below the third story above ground level in a residential building.

Committee Amendment "A" (S-226)

This amendment replaces the bill. The amendment changes the law regarding radon testing of residential units as follows.

- 1. Testing remains required by March 1, 2014 and every 10 years thereafter but only upon request by a tenant and only if a mitigation system is not in place.