

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2014

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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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Togus, the available funds will be divided equally between the veterans' service organizations. Finally, chapter 569 provides that revenues necessary to complete the design and construction of a plaque to honor veterans of the State in accordance with Resolve 2011, chapter 163 may be raised by fundraising efforts by the department and veterans groups.

LD 1613 An Act To Clarify Disclosure Requirements for Political Statements Broadcast by Radio

PUBLIC 494

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI	OTP-AM	H-626

This bill defines who is an agent of a candidate or the candidate's political committee for purposes of the laws regarding limitations on campaign contributions and expenditures. The bill also defines "candidate's political committee" based on the existing definition of "political committee" in the Maine Revised Statutes, Title 21-A, section 1, subsection 30. Certain individuals in positions of responsibility within a candidate's political campaign, including the treasurer and deputy treasurer, are deemed part of the candidate's political committee. An expenditure made by or in consultation with these individuals may not be considered independent of the candidate or the candidate's political committee.

Committee Amendment "A" (H-626)

This amendment replaces the bill. The amendment clarifies existing law with regard to disclosures required to be included in political statements made by radio when the communication is financed by someone other than the candidate or the candidate's political committee. The disclosure requirement states that only the city and state of the person who financed the communication must be disclosed. This is the same requirement as in current law, but the amendment states the requirement in a separate sentence. The amendment also reorganizes the relevant section of statute so that all communications that under current law are exempt from the name and address disclosure requirements are listed under the same subsection, including those communications that are on items so small that the disclosure would be illegible, such as pens, swizzle sticks or matchbooks.

Enacted Law Summary

Public Law 2013, chapter 494 clarifies existing law with regard to disclosures required to be included in political statements made by radio when the communication is financed by someone other than the candidate or the candidate's political committee. The disclosure requirement states that only the city and state of the person who financed the communication must be disclosed. This is the same requirement as in current law, but the change made by chapter 494 states the requirement in a separate sentence. The law also reorganizes the relevant section of statute so that all communications that, under current law, are exempt from the name and address disclosure requirements are listed under the same subsection, including those communications that are on items so small that the disclosure would be illegible, such as pens, swizzle sticks or matchbooks.

LD 1614 An Act Regarding the Laws Governing Liquor Licensing and Enforcement

**PUBLIC 476
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI	OTP-AM	H-652

Part A of this bill makes several changes to the laws governing the sale of alcoholic beverages to correct errors made in Public Law 2013, chapter 368, Part V, which was enacted during the First Regular Session of the 126th Legislature. These changes include correcting cross-references to accurately refer to the section of law that allows for the State to award contracts for the wholesale distribution and administration of spirits and referring to the

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Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations as the entity authorized to adopt rules regarding administration of the laws governing alcoholic beverages. Part A of this bill corrects a conflict in existing law regarding the discount price for which agency liquor stores purchase spirits. It restructures the provisions that outline the duties and authorities of the Bureau of Alcoholic Beverages and Lottery Operations by separating the functions that deal with enforcement, licensing and tax collection from the functions that deal with the administration of the spirits business on behalf of the State. It removes outdated references to agency liquor stores, including a provision that authorized the Governor or the bureau to close agency liquor stores in the event of riots, hurricanes or floods. It removes the requirement that the bureau provide copies of new laws and rules that govern alcoholic beverages to licensees free of charge. It clarifies an existing process that allows for the bureau to suspend a person's liquor license when a payment for spirits purchases, taxes or other fees is not honored or is returned for insufficient funds. It makes a correction to the law that provides for the legal, commercial transport of alcoholic beverages into and within the State by ensuring it applies to all alcoholic beverages and includes transport by reselling agents to licensees who are licensed for the sale of spirits for on-premises consumption.

Part B of this bill makes technical corrections to the alcoholic beverage laws to reflect existing law that, on July 1, 2014, removes fortified wine from the spirits business administered by the State or the State's contracted wholesaler and grants the privilege of distribution to licensed beer and wine distributors exclusively. Part B of this bill takes effect July 1, 2014.

Committee Amendment "A" (H-652)

This amendment removes certain references to fortified wine in the bill to be consistent with changes made in the bill that place the jurisdiction over distributing fortified wines with licensed distributors. It also makes changes to the provisions in current law governing the process for suspension and revocation of liquor licenses to reflect the transfer of responsibilities for liquor licensing from the Commissioner of Public Safety to the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services pursuant to Public Law 2013, chapter 368. The amendment also makes nonsubstantive clarifying changes to the bill.

Enacted Law Summary

Public Law 2013, chapter 476 makes several changes to the laws governing the sale of alcoholic beverages to correct errors made in Public Law 2013, chapter 368, Part V, which was enacted during the First Regular Session of the 126th Legislature. The changes include correcting cross-references to accurately refer to the section of law that allows for the State to award contracts for the wholesale distribution and administration of spirits and referring to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations as the entity authorized to adopt rules regarding administration of the laws governing alcoholic beverages. It also corrects a conflict in existing law regarding the discount price for which agency liquor stores purchase spirits. Chapter 476 restructures the provisions that outline the duties and authorities of the Bureau of Alcoholic Beverages and Lottery Operations by separating the functions that deal with enforcement, licensing and tax collection from the functions that deal with the administration of the spirits business on behalf of the State. It removes outdated references to state liquor stores, including a provision that authorized the Governor or the bureau to close state liquor stores in the event of riots, hurricanes or floods. It also removes the requirement that the bureau provide copies of new laws and rules that govern alcoholic beverages to licensees free of charge. Chapter 476 clarifies an existing process that allows for the bureau to suspend a person's liquor license when a payment for spirits purchases, taxes or other fees is not honored or is returned for insufficient funds. It also makes a correction to the law that provides for the legal, commercial transport of alcoholic beverages into and within the State by ensuring it applies to all alcoholic beverages and includes transport by reselling agents to licensees who are licensed for the sale of spirits for on-premises consumption.

Part B of this law, which takes effect July 1, 2014, makes technical corrections to the alcoholic beverage laws to reflect existing law that, on July 1, 2014, removes fortified wine from the spirits business administered by the State or the State's contracted wholesaler and grants the privilege of distribution to licensed beer and wine distributors

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exclusively.

Public Law 2013, chapter 476 was enacted as an emergency measure and effective March 16, 2014.

LD 1615 An Act To Amend the Election Laws

**PUBLIC 457
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI TUTTLE	OTP-AM	H-620 H-662 LUCHINI

This bill makes the following changes to the election laws.

1. It specifies that a municipal clerk must keep the record of receipts for ballots issued and received in that clerk's office.
2. It resolves a conflict in the Maine Revised Statutes created when two public laws amended the same section of law in different ways by incorporating the changes made by both laws.
3. It removes the requirement that a list of absentee voters include a place for the registrar to certify the voter registration status of the absentee voters.
4. It changes the deadline, from 30 days to 60 days prior to the election, for a municipality to give notice to the Secretary of State that the municipality intends to process absentee ballots prior to election day.
5. It repeals the requirement that referendum ballots be printed on paper of a distinctive color.
6. It corrects a number of typographical and other errors in the laws that reapportion the State Senate, State House and County Commissioner districts.

Committee Amendment "A" (H-620)

This amendment corrects a boundary description in the provision of laws governing the apportionment of State House Districts.

House Amendment "A" (H-662)

This amendment makes the 2013 apportionment law consistent with the provisions of the Androscoggin County Charter.

Enacted Law Summary

Public Law 2013, chapter 457 makes the following changes to the election laws.

1. It specifies that a municipal clerk must keep the record of receipts for ballots issued and received in that clerk's office.
2. It resolves a conflict in the Maine Revised Statutes created when two public laws amended the same section of law in different ways by incorporating the changes made by both laws.
3. It removes the requirement that a list of absentee voters include a place for the registrar to certify the voter registration status of the absentee voters.
4. It changes the deadline, from 30 days to 60 days prior to the election, for a municipality to give notice to the