

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2015

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STATE OF MAINE

127TH 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 127th 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. An appendix provides a summary of relevant session statistics.

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 127th Legislature is October 15, 2015. 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

13. Allowing candidates and political committees to request a determination by the commission regarding a preliminary penalty through an unsworn communication such as a letter or memo rather than through a sworn statement;
14. Defining the term "ballot question" for the purposes of the laws governing reports by political action committees to refer to a people's veto referendum, direct initiative and other referendums;
15. Requiring political action committees to register with the commission within seven days of receiving contributions or making expenditures above the applicable threshold for the purpose of influencing Maine elections. Under current law, the registration requirement is triggered only by expenditures made to influence Maine elections;
16. Prohibiting a political action committee from compensating a Legislator or member of the Legislator's immediate family or household for services provided to the committee if the Legislator is a principal officer or treasurer of the committee or is one of the individuals primarily responsible for raising contributions or making decisions for the committee;
17. Permitting the commission to assess a fine of up to \$5,000 if a person spends more than \$500 on a paid communication to voters expressly advocating for or against a ballot question if the communication does not contain the name and address of the person who paid for the communication;
18. Requiring a person that spends more than \$500 on a prerecorded automated telephone call or scripted live telephone communication expressly advocating for or against a ballot question to clearly state the person's name and address in the call or communication; and
19. Requiring campaign staff and consultants who are compensated for their labor by candidates with \$2,000 or more in Maine Clean Election Act funds to create an invoice or timesheet showing the dates of service and number of hours worked, to be kept by the candidate for three years after the election. Goods purchased by a staff member or consultant on behalf of the candidate would not count toward the \$2,000 compensation threshold.

Committee Amendment "A" (S-192)

This amendment makes clarifying changes to the bill. It clarifies that prerecorded automated telephone calls and scripted live telephone calls that are political communications that are not paid for by a candidate must state whether the communication was authorized by the candidate. It provides that the reporting exemption in the bill that allows for an uncontested primary candidate to be exempt from certain reporting requirements when that candidate files a sworn and notarized notification with the Commission on Governmental Ethics and Election Practices stating that the candidate will not accept contributions or make expenditures for the primary race does not apply to a Maine Clean Election Act candidate. The amendment strikes a provision in the bill that conflicts with other provisions of campaign laws regarding the termination of campaign requirements. Finally, the amendment adds a new section to the bill that provides that when a political action committee seeks a waiver of a penalty for mitigating circumstances surrounding the failure to file a report or filing a report late, the statement the committee provides does not have to be in the form of a sworn statement. This addition mirrors a section in the bill that makes the same provision for party committees and candidates when they seek a penalty waiver.

LD 1127

An Act Regarding the Authority of the Secretary of State and the Attorney General To Conduct Investigations of Vote Recounts

ONTP

Sponsor(s)

COOPER
BREEN

Committee Report

ONTP

Amendments Adopted

Joint Standing Committee on Veterans and Legal Affairs

This bill provides the Secretary of State and the Attorney General authority to conduct investigations during a recount on matters related to the recount. These investigations may include interviews and depositions of witnesses and other investigatory methods determined appropriate by the Secretary of State and the Attorney General. It allows the Secretary of State or the Attorney General to initiate a second recount of ballots of any relevant voting district during the recount process if there are inconsistencies compared to the original ballot count or other credible reasons to believe the original count or first recount is not accurate. A decision to seat provisionally or otherwise a candidate whose election is the subject of the recount does not terminate the investigatory authority of the Secretary of State and the Attorney General.

LD 1138 An Act Regarding Municipal Reporting of Statewide Elections

ONTP

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

This bill provides for a municipal clerk who fails to update the central voter registration system by entering voter participation history to be warned by the Secretary of State and for the clerk's municipality to publish in a newspaper and its town report notice of that failure. It also, beginning November 8, 2016, makes it a civil violation for a municipal clerk to fail to update the central voter registration system by entering voter participation history for a statewide election by January 1st for the immediately previous general election and by August 1st for the immediately previous primary election. The bill imposes a fine of not more than \$50 for each day after January 1st or August 1st that the clerk fails to update the system. It also stipulates that a municipality is not liable for a clerk's failure to update the system.

LD 1176 An Act To Prohibit the Sale and Possession of Powdered Alcohol in the State

PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN CYRWAY	OTP-AM	H-226

This bill makes the possession, use, sale or furnishing of powdered alcohol a civil violation and a repeat violation of selling or furnishing powdered alcohol a Class E crime that, if committed by a person with a license to sell liquor, subjects the person to a possible suspension of the liquor license for up to one year.

Committee Amendment "A" (H-226)

This amendment clarifies that penalties established in the bill for licensees who sell or furnish powdered alcohol in violation of the law apply to nonretail licensees as well as retail licensees and further clarifies that license suspensions are carried out in accordance with the existing suspension process in law.

Enacted Law Summary

Public Law 2015, chapter 205 makes the possession, use, sale or furnishing of powdered alcohol a civil violation. It makes a repeat violation of selling or furnishing powdered alcohol a Class E crime that, if committed by a person with a license to sell liquor, subjects the person to a possible suspension of the liquor license for up to one year. Penalties established under chapter 205 for licensees who sell or furnish powdered alcohol in violation of the law apply to nonretail licensees as well as retail licensees. License suspensions as a consequence of such a violation are carried out in accordance with the existing suspension process in law.