

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> 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

127<sup>TH</sup> 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 127<sup>th</sup> 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.

<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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 First Regular Session of the 127<sup>th</sup> 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*

This bill provides a definition of "liquor inspector" and provides that the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services may require liquor inspectors to receive law enforcement training as a condition of employment. The bill also requires the director to ensure that no less than one-third of the liquor inspector positions under the bureau include a requirement that the liquor inspector must complete law enforcement training.

### **Committee Amendment "A" (H-373)**

This amendment retains the provisions of the bill but requires the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to hire five new liquor inspectors, three of whom must be trained law enforcement officers. The amendment provides an appropriations and allocations section to fund those positions and requires the bureau to report by March 1, 2017 on changes and enhancements to liquor enforcement efforts.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

**LD 1335**

### **An Act To Amend the Election Laws**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI CYRWAY	OTP-AM	H-251

This bill makes the following changes to the election laws.

1. It adds a restriction that a registrar may not serve during an election when an immediate family member of the registrar is a candidate for federal office, and clarifies the language regarding compensation. The restriction previously applied only for candidates for state, local or county offices.
2. It removes the provision regarding the use of a supplemental incoming voting list.
3. It updates the list of the outside agencies that must provide voter registration pursuant to the National Voter Registration Act of 1993.
4. It provides that a primary election for State Senator, State Representative or county office will only be held when there is more than one candidate who has filed a candidate petition and consent; when there is at least one candidate who has filed a candidate petition and consent and at least one candidate who has qualified as a write-in candidate; or when there is no candidate who has filed a candidate petition and consent but there is at least one candidate who has qualified as a write-in candidate. Otherwise, a party candidate is nominated to the general election ballot based on acceptance of a primary petition.
5. It provides that the written acceptance for a replacement candidate must include a place for the registrar of the candidate's municipality of residence to certify the candidate's registration and enrollment status.
6. It changes the deadline for a candidate to withdraw from 60 days to 75 days before a primary or general election and allows for a replacement candidate. It also specifies that the candidate may withdraw only for good cause and must include that reason in the written notice of withdrawal filed with the Secretary of State.
7. It changes the deadline from 60 days to 75 days before the general election for a nonparty candidate for Vice President to withdraw and allow for a replacement candidate.

## *Joint Standing Committee on Veterans and Legal Affairs*

8. It provides that if a candidate or nominee for a federal or gubernatorial office withdraws less than 75 days before any election, the Secretary of State is not required to produce new ballots.
9. It clarifies that a candidate may withdraw after the withdrawal deadline if the candidate is incapacitated by a catastrophic condition or injury and allows for a replacement candidate. Current law provides for a candidate's withdrawal only for incapacitation due to a catastrophic illness.
10. It adds the restriction that a municipal clerk may not serve as the supervisor of an election when a member of the municipal clerk's immediate family is a candidate for federal, state, county or local office.
11. It changes the date from 30 days to 60 days prior to an election by which the municipal clerk must file a voting place report that includes the location of each voting place, the poll opening time and the number of voting booths to be used.
12. It clarifies the voting procedure by combining the steps of checking voter names on the incoming voting list and giving the ballot to the voter in the same provision of law. It prohibits the practice of handing out the ballot at a separate location from the incoming voting list.
13. It clarifies that it is a violation of law to display, as well as distribute, campaign materials within 250 feet of the voting place or the registrar's office.
14. It specifies that it is a violation of law to communicate in the voting place via text messages or e-mails that influence or attempt to influence another person's decision regarding a candidate or question on the ballot that election day.
15. It provides for a civil violation punishable by a fine for each day the municipal clerk is late in filing an election return after the election.
16. It changes the filing deadline for a declaration of write-in candidacy from 45 days to 70 days before the election.
17. It permits the Secretary of State to retrieve ballots from certain voting jurisdictions and conduct recounts of statewide or multi-county offices or referenda in stages, rather than requiring all the ballots to be retrieved at once.
18. It clarifies that an apparent winning candidate may request a recount if the official tabulation of the vote communicated to the Governor after a recount shows that candidate as the losing candidate.
19. It decreases the percentage difference required, from 2% to 1% or less of the total votes cast for the office, in order to receive a recount without requiring a deposit.
20. It provides that a municipality may opt to process absentee ballots as early as the fourth day before the election. It also authorizes the Secretary of State to make available high-speed ballot tabulators for absentee ballots and to allow a municipality to bring absentee ballots to a state-designated central location for tabulating by the high-speed ballot tabulators as long as security guidelines are properly followed.
21. It allows the Secretary of State to accept voted absentee ballots from uniformed service voters and overseas voters by an electronic means authorized by the Secretary of State.
22. It allows for the connection of individual voting devices to a central server operated or managed by the Secretary of State for voting systems equipped for individuals with disabilities by other than a wired, point-to-point telephone connection.

## *Joint Standing Committee on Veterans and Legal Affairs*

23. It allows for the use of the Internet to provide a ballot-marking system or software that is used for voters with disabilities, uniformed service voters or overseas voters to mark a ballot and transmit the marked ballot online, as long as the system or software does not tabulate the ballots or transmit the ballot tabulations online.

### **Committee Amendment "A" (H-251)**

This amendment strikes the provision in the bill that requires nomination by primary election for State Senate, State House of Representatives and county offices only when the party nomination is contested. In its place, the amendment provides that, when an elected office has no candidate nominated by petition or a declared write-in candidate, the office is not required to be printed on the primary ballot. The bill requires that withdrawal of a candidate for a primary or general election would have to be for good cause, defined by the bill, and by a prescribed deadline in order to have the candidate's name removed from the ballot and a replacement candidate nominated. The amendment removes the good cause provision but maintains the earlier deadline of 75 days before the election, which is an increase from the 60-day deadline in current law. The bill provides that a municipal clerk may be subject to a civil violation of \$50 per day for each day beyond the required date that election returns are not submitted to the Secretary of State. The amendment applies that civil penalty to the municipality. The amendment retains the provision in the bill that clarifies that a candidate may withdraw after the withdrawal deadline if the candidate is incapacitated by a catastrophic condition or injury; however, the amendment requires a withdrawal request to be accompanied by a certificate signed by a licensed physician instead of at least two physicians.

### **LD 1343     An Act To Increase Access to Postsecondary Education for Maine National Guard Members**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE WHITTEMORE	OTP-AM	H-364

This bill provides for a tuition waiver for 100% of tuition costs at any state postsecondary education institution for qualified members of the Maine National Guard.

### **Committee Amendment "A" (H-364)**

This amendment establishes the Maine National Guard Postsecondary Fund and appropriates \$500,000 per year of the next biennium to the fund. It amends existing law regarding education assistance grants to Maine National Guard members to govern the distribution of the tuition benefit provided by the bill. Under the bill, tuition assistance is provided in the form of waivers from a state postsecondary education institution. The amendment provides that the Maine National Guard Postsecondary Fund will provide for 100% of an eligible member's tuition costs. If the tuition benefit costs exceed the amount in the fund, the amendment states that the benefit will be provided in the form of a waiver from the state postsecondary education institution. The amendment clarifies that tuition does not include lab fees or other mandatory fees charged to students. The amendment specifies that the benefit entitles a member to one postsecondary education credential, whether it be at the associate, baccalaureate, certificate or licensure level. The amendment specifies that a member must first pursue all other state, federal and employer-provided benefits available and have not previously earned a bachelor's degree in order to qualify for the tuition benefit proposed by the bill. The amendment also strikes provisions in the bill that would eliminate certain potential sources of revenue to be used for education assistance for members of the Maine National Guard.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by Joint Order, S.P. 555.