

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

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STATE OF MAINE

128TH 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 128th 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 128th Legislature is Wednesday, November 1, 2017. 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

Committee Amendment "A" (H-155)

This amendment, which is the minority report of the committee, provides that the Secretary of State, rather than municipal clerks, is required to establish procedures for voters who are not enrolled in a party to vote in a primary election. The bill removes the requirement that a voter must be enrolled in a party to participate in a caucus or convention. This amendment provides that a voter must be enrolled in order to take part in a party's caucus or convention. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 85 An Act Regarding Public Service Berthing Vessels Licensed for the Sale of Liquor CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D KUMIEGA W	OTP-AM	S-11

This bill authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to issue licenses to public service berthing vessels for the sale of spirits, wine and malt liquor on overnight voyages of at least one night. The bill establishes requirements and fees for such licensing.

Committee Amendment "A" (S-11)

This amendment replaces the bill. Like the bill, the amendment provides for a definition of public service berthing vessel. Unlike the bill, the amendment does not establish a separate license for a public service berthing vessel but rather makes the vessel eligible for a Class V liquor license that permits the sale of spirits, wine and malt liquor to passengers of the vessel. It also provides that the license may be issued for a single event or voyage. Like the bill, the amendment requires that the vessel acquire municipal approval to sell liquor on board the vessel to passengers while the vessel is docked. The amendment also makes a provision for storage of liquor to be sold by the licensed vessel and requires that records be maintained for each event when the licensed vessel sells liquor to passengers.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 88 An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act PUBLIC 1 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L THIBODEAU M	OTP-AM	H-1

This bill delays the effective date of most of the provisions of the Marijuana Legalization Act as enacted by citizen initiative to February 1, 2018. The delayed effective date does not apply to the provision in the initiated bill that repeals the Maine Revised Statutes, Title 22, section 2382, subsection 1, which makes possession of up to 2 1/2 ounces of marijuana a civil violation, or the following provisions, which will be effective as of January 30, 2017:

1. A person 21 years of age or older may use, possess or transport up to 2 1/2 ounces of marijuana;
2. A person 21 years of age or older may transfer, without remuneration, up to 2 1/2 ounces of marijuana and up to six immature plants or seedlings to a person who is 21 years of age or older;

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3. A person 21 years of age or older may possess, grow, cultivate or transport up to six flowering marijuana plants, 12 immature plants and unlimited seedlings and possess all of the marijuana produced by the plants at the person's residence; and

4. A person 21 years of age or older may consume marijuana in a private residence.

The bill clarifies that possession of a useable amount of marijuana by a juvenile is a crime, unless that juvenile is authorized to possess marijuana for medical use. Finally, the bill prohibits the possession of any edible retail marijuana products until February 1, 2018.

Committee Amendment "A" (H-1)

This amendment strikes the definition of "cannabis" from the Marijuana Legalization Act. It amends the definition of "marijuana" and adds a definition of "marijuana concentrate." The amendment adds a provision to the Marijuana Legalization Act that prohibits a person from possessing more than five grams of marijuana concentrate as part of the 2 1/2 ounces of marijuana that a person may already legally possess under the Act. This amendment strikes a provision in the bill that, prior to February 1, 2018, limited personal marijuana consumption to a private residence. The amendment provides that personal marijuana consumption by a person 21 years of age or older may occur only in a private residence or on private property with permission of the owner. It further provides that consumption may not occur in a motor vehicle or in a private residence that is used as a day care or baby-sitting service during the hours of operation.

For the purpose of adopting major substantive rules relating to the retail framework under the Marijuana Legalization Act, which are required to be submitted within nine months of the effective date of the Act, the amendment allows the Commissioner of Agriculture, Conservation and Forestry to delegate rule-making authority to the Commissioner of Administrative and Financial Services or the Commissioner of Public Safety if the Commissioner of Agriculture, Conservation and Forestry determines that the expertise and resources of those other departments would be beneficial in the development of the rules.

The amendment also provides that possession of marijuana is a civil violation for a person who is 18, 19 or 20 years of age. The penalty for possession of up to 1 1/4 ounces of marijuana is a fine no less than \$350 to no more than \$600. The penalty for possession of up to 2 1/2 ounces is a fine of no less than \$700 and no more than \$1,000. These penalties are the same as those that were in law for any nonjuvenile prior to being repealed by Initiated Bill 2015, chapter 5. Finally, the amendment provides that it is a juvenile crime under the Maine Juvenile Code for a person under 18 years of age to possess marijuana and makes a corresponding technical cross-reference change.

Enacted Law Summary

Public Law 2017 chapter 1 delays the effective date of several provisions of the Marijuana Legalization Act to February 1, 2018. The delayed date does not apply to the provision in the Act, which was passed as a direct initiative, which provides that possession of up to 2 1/2 ounces of marijuana is a civil violation. The law changes the definition of "marijuana" and adds a definition of "marijuana concentrate." It adds a provision to the Marijuana Legalization Act that prohibits a person from possessing more than five grams of marijuana concentrate as part of the 2 1/2 ounces of marijuana that a person may already legally possess under the Act. Chapter 1 provides that personal marijuana consumption by a person 21 years of age or older may occur only in a private residence or on private property with permission of the owner. It further provides that consumption may not occur in a motor vehicle or in a private residence that is used as a day care or baby-sitting service during the hours of operation.

For the purpose of adopting major substantive rules relating to the retail framework under the Marijuana Legalization Act, which are required to be submitted within nine months of the effective date of the Act, this law

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allows the Commissioner of Agriculture, Conservation and Forestry to delegate rule-making authority to the Commissioner of Administrative and Financial Services or the Commissioner of Public Safety if the Commissioner of Agriculture, Conservation and Forestry determines that the expertise and resources of those other departments would be beneficial in the development of the rules.

Chapter 1 also provides that possession of marijuana is a civil violation for a person who is 18, 19 or 20 years of age. The penalty for possession of up to 1 1/4 ounces of marijuana is a fine no less than \$350 to no more than \$600. The penalty for possession of up to 2 1/2 ounces is a fine of no less than \$700 and no more than \$1,000. These penalties are the same as those that were in law for any nonjuvenile prior to being repealed by Initiated Bill 2015, chapter 5. Finally, this law provides that it is a crime under the Maine Juvenile Code for a person under 18 years of age to possess marijuana and makes a corresponding technical cross-reference change.

Public Law 2017, chapter 1 was enacted as an emergency measure effective January 27, 2017.

LD 121 An Act To Require Photographic Identification to Vote

**Accepted Majority
(ONTP) Report**

Sponsor(s)
FARRIN B
COLLINS R

Committee Report
ONTP
OTP-AM

Amendments Adopted

This bill requires that a voter provide proof of identity with photographic identification for the purpose of voting. The bill specifies the types of photographic identification that may be used to verify the identity of a voter. It provides that a person who does not present photographic identification may cast a provisional ballot and establishes the process for provisional voting. Under this process, if the person can verify the person's identity to the municipal clerk, deputy clerk or warden or an election clerk within five business days of the election by presenting acceptable photographic identification, the ballot will be cast as a regular ballot. Through the general election of 2018, a person who does not present acceptable photographic identification but is known to a municipal clerk, registrar or election official at the voting place may cast a regular ballot upon submission of an affidavit by the municipal clerk, registrar or election official attesting to the person's identity. Finally, the bill requires the Secretary of State to provide, at no fee, nondriver identification cards to eligible persons who do not have another form of acceptable photographic identification to verify identity for the purpose of voting.

Committee Amendment "A" (H-51)

Under the bill, a person who does not have proper photographic identification required to cast a ballot on election day has five days to provide photographic proof of identity to the municipal clerk, deputy clerk, warden or election clerk. This amendment, which is the minority report of the committee, reduces that time period to three days to reflect the number of days by which municipal election clerks must report election results to the Secretary of State. The amendment also adds a requirement that provisional ballots must be retained in tamper-proof containers separately from provisional ballot affidavits and the provisional ballot log. The amendment requires that rejected provisional ballots, provisional ballot logs and provisional ballot affidavits must be retained in the same manner as regular ballots and election materials. The amendment also adds a mandate preamble and an appropriations and allocations section.

This amendment was not adopted.