

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
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STATE OF MAINE

128TH LEGISLATURE
FIRST REGULAR SESSION



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.

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requires the commission to adopt rules governing payback percentages and advertising no later than December 1, 2017.

LD 297 An Act To Improve the Administration of Election Recounts

PUBLIC 141

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L CARPENTER M	OTP-AM	H-156

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

This bill proposes to amend current law to authorize the Secretary of State to administer recounts in an efficient and effective manner, to increase the number of voter signatures required for a statewide recount, to lower the threshold for a free statewide recount and to authorize the Secretary of State to develop by rule processes for multicounty and statewide recounts.

Committee Amendment "A" (H-156)

This amendment replaces the bill. The amendment makes several changes to the laws governing candidate and referendum recounts.

1. The amendment provides that when a recount is requested for a statewide office, congressional office, statewide referendum or county office that encompasses more than one county, the Secretary of State may direct the State Police to retrieve ballots from certain jurisdictions so that the recount may be conducted in stages.
2. The amendment provides for a new deposit and payment structure for recounts for statewide offices, congressional offices or county offices that encompass more than one county, such as District Attorney, so that a deposit is not required when the difference between the leading candidate and the requesting candidate is 1% or less of the total votes cast for that office or not more than 1,000 votes, whichever is less.
3. The amendment provides that for recounts for a statewide office, congressional office or county office that encompasses more than one county when the percentage difference exceeds the threshold for a no-deposit recount, the requesting candidate must pay a deposit of \$5,000 or 10% of the estimated cost of the first stage of the recount, whichever is greater. If the recount does not change the result of the election, the candidate must pay the actual costs to the State of conducting the recount. If the recount reverses the election, the requesting candidate receives a complete refund.
4. The amendment adopts a new deposit and payment structure for recounts of a statewide referendum that is the same as the one provided for statewide candidate recounts.
5. The amendment provides that if recounts are requested for more than one office or referendum question that are on the same ballot for one or more jurisdictions, the Secretary of State may determine a process for counting the ballots for both of the offices or questions simultaneously.
6. Finally, the amendment removes the provision in current law allowing an undeclared write-in candidate to request a recount.

Enacted Law Summary

Public Law 2017, chapter 141 makes several changes to the laws governing candidate and referendum recounts.

1. It provides that when a recount is requested for a statewide office, congressional office, statewide referendum or county office that encompasses more than one county, the Secretary of State may direct the State Police to retrieve

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ballots from certain jurisdictions so that the recount may be conducted in stages.

- 2. It provides for a new deposit and payment structure for recounts for statewide offices, congressional offices or county offices that encompass more than one county, such as District Attorney, so that a deposit is not required when the difference between the leading candidate and the requesting candidate is 1% or less of the total votes cast for that office or not more than 1,000 votes, whichever is less.
- 3. Chapter 141 provides that for recounts for a statewide office, congressional office or county office that encompasses more than one county when the percentage difference exceeds the threshold for a no-deposit recount, the requesting candidate must pay a deposit of \$5,000 or 10% of the estimated cost of the first stage of the recount, whichever is greater. If the recount does not change the result of the election, the candidate must pay the actual costs to the State of conducting the recount. If the recount reverses the election, the requesting candidate receives a complete refund.
- 4. The law adopts a new deposit and payment structure for recounts of a statewide referendum that is the same as the one provided for statewide candidate recounts.
- 5. It provides that if recounts are requested for more than one office or referendum question that are on the same ballot for one or more jurisdictions, the Secretary of State may determine a process for counting the ballots for both of the offices or questions simultaneously.
- 6. Finally, chapter 141 removes the provision in current law allowing an undeclared write-in candidate to request a recount.

LD 298 An Act To Limit Agency Expenditures To Influence Elections

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHAPMAN R	ONTP OTP-AM	

This bill prohibits state agencies from expending public resources to influence the outcome of a direct initiative of legislation, a people's veto referendum or other statewide referendum except to provide an impartial factual summary regarding what is at issue. It also extends the law governing the involvement of executive branch employees in elections to include direct initiatives of legislation, people's veto referenda and other statewide referenda.

Committee Amendment "A" (H-141)

This amendment, which is the minority report of the committee, removes the provisions of the bill that prohibit political subdivisions in the State from expending public resources to influence the outcome of a direct initiative of legislation, a people's veto referendum or other statewide referendum. The amendment clarifies that resources spent by an agency on a factual summary of the issues may not be used to express support or opposition for the ballot measure.

This amendment was not adopted.