

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

This bill allows wine taste testings at farmers' markets.

LD 1320 An Act To Regulate Fantasy Sports Contests

PUBLIC 303

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R TIMBERLAKE J	OTP-AM ONTP	S-314

This bill requires persons who operate fantasy contests to register annually with the Department of Public Safety and pay a registration fee based on the gross revenues generated by that fantasy contest operator during the 12 months prior to registration or renewal. "Fantasy contest" is defined as a simulated game or contest in which one or more players pay an entry fee and compete for and win prizes of value based on outcomes that reflect the relative knowledge and skill of the players and that are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.

This bill regulates the operators of fantasy contests, including by prohibiting the fantasy contest operator, an employee of the operator or a relative of the employee in the same household from participating in the contests; requiring the outcome to be based on more than just a score or point spread of a single game or contest; allowing an individual, on that individual's request to the operator, to be barred from playing in the contest; requiring the operator to provide notice of the prizes prior to the contest; and requiring the operator to establish a separate reserve account for the payment of prizes.

Finally, the bill exempts fantasy contests from the laws prohibiting games of chance and gambling.

Committee Amendment "A" (S-314)

This amendment, the majority report, replaces the bill and changes the title. Like the bill, the amendment sets up a structure to regulate the conduct of fantasy contests in the State.

The bill requires fantasy contest operators to register with the Department of Public Safety and sets a registration fee of 10% of the fantasy contest operator's annual gross fantasy contest revenues not to exceed \$5,000. The amendment requires the director of the Gambling Control Unit within the Department of Public Safety to oversee and administer the licensing and enforcement of the conduct of fantasy contests in the State. The amendment establishes an annual license fee of \$2,500 for contest operators that receive \$100,000 or more in gross fantasy contest revenue per year and authorizes the director of the Gambling Control Unit to set an application fee to cover the costs of administering the application process and conducting necessary background investigations. Fantasy contest operators that receive less than \$100,000 in gross fantasy contest revenues are not required to pay the license fee but are subject to the application fee. The amendment establishes licensing criteria and conditions of licensure for the operators of fantasy contests and requires the director to adopt rules.

The amendment requires a distribution of 10% of gross fantasy contest revenues of fantasy contest operators that receive revenues of \$100,000 or more annually. Finally, the amendment provides that the laws governing unlawful gambling and games of chance do not apply to fantasy contest operators that comply with the laws governing fantasy contests.

Enacted Law Summary

Public Law 2017, chapter 303 establishes a structure to regulate the conduct of fantasy contests in the State.

It requires fantasy contest operators to register with the Department of Public Safety and sets a registration fee of 10% of the fantasy contest operator's annual gross fantasy contest revenues not to exceed \$5,000. The law requires

Joint Standing Committee on Veterans and Legal Affairs

the director of the Gambling Control Unit within the Department of Public Safety to oversee and administer the licensing and enforcement of the conduct of fantasy contests in the State. It also establishes an annual license fee of \$2,500 for contest operators that receive \$100,000 or more in gross fantasy contest revenue per year and authorizes the director of the Gambling Control Unit to set an application fee to cover the costs of administering the application process and conducting necessary background investigations. Fantasy contest operators that receive less than \$100,000 in gross fantasy contest revenues are not required to pay the license fee but are subject to the application fee. The law establishes licensing criteria and conditions of licensure for the operators of fantasy contests and requires the director to adopt rules.

Chapter 303 requires a distribution of 10% of gross fantasy contest revenues of fantasy contest operators that receive revenues of \$100,000 or more annually. Finally, it provides that the laws governing unlawful gambling and games of chance do not apply to fantasy contest operators that comply with the laws governing fantasy contests.

LD 1323 An Act To Amend the Direct Initiative Signature Gathering Process

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	H-405

This bill authorizes the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public who has allowed another person to use that notary public's commission. It also authorizes the Secretary of State to invalidate a petition for a direct initiative or people's veto if the Secretary of State is unable to verify the notarization of that petition. The bill directs the Secretary of State to establish an online reporting system for suspected fraudulent signature gathering practices for direct initiative and people's veto petitions.

Committee Amendment "A" (H-405)

This amendment adds sections to the bill regarding certifying and notarizing petitions for a direct initiative or people's veto referendum. The amendment requires that a circulator sign a petition in the presence of a notary public or other authorized person to verify by oath or affirmation that the circulator personally witnessed all signatures to the petition. After administration of the oath or affirmation by the notary public or other authorized person, the notary public or other authorized person is required to sign the notarial certificate in the presence of the circulator. It also requires the notary public or other authorized person to maintain a log of the petitions for which the notary public or other authorized person administered the circulator's oath.

The amendment also provides that a notary public or other authorized person is prohibited from notarizing a petition for a direct initiative or people's veto if the notary public or other authorized person is employed or compensated by a petition organization or ballot question committee for any purpose other than providing notarial acts.

Finally, the amendment strikes the provision in the bill that requires the Secretary of State to establish an online reporting system for suspected fraudulent signature gathering practices and instead directs the Secretary of State to establish a method to facilitate the acceptance of such reports from members of the public.

Enacted Law Summary

Public Law 2017, chapter 277 authorizes the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public who has allowed another person to use that notary public's commission. It also authorizes the Secretary of State to invalidate a petition for a direct initiative or people's veto if the Secretary of State is unable to verify the notarization of that petition.

The law requires that a circulator of a petition for a people's veto or direct initiative sign a petition in the presence of a notary public or another person authorized to verify by oath or affirmation that the circulator personally witnessed all signatures to the petition. After administration of the oath or affirmation by the notary public or other authorized