

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2019

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STATE OF MAINE

129TH 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 129th 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 129th Legislature is Thursday, September 19, 2019. 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

Enacted Law Summary

Public Law 2019, chapter 57 removes the safe harbor in current law that allows a former Legislator to engage in up to eight hours of lobbying per calendar month without violating the prohibition against a former Legislator engaging in compensated lobbying.

LD 95 An Act To Clarify Residency Requirements for Legislative Candidates

**Accepted Majority
(ONTP) Report**

Sponsor(s)

HIGGINS N
DAVIS P

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill clarifies that the primary residence of a candidate for election as a State Senator or State Representative must be located in the district the candidate seeks to represent on the date of the candidate's nomination for placement on a primary, general or special election ballot. The bill also clarifies that the primary residence of a candidate for election as a State Senator or State Representative must be located in the district the candidate seeks to represent for the three months immediately preceding the general election and, if the candidate is elected, throughout the candidate's term of office.

Committee Amendment "A" (H-40)

This amendment, which is the minority report of the committee, adds a definition of "primary residence" to the bill and specifies that, when a person who is a State Senator or State Representative, or a candidate for those offices, claims a homestead exemption under the Maine Revised Statutes, Title 36, chapter 105, subchapter 4-B, that property is presumed to be the person's primary residence until the person claims a homestead exemption on another property or until the person no longer claims a homestead exemption on any property. A person who files a primary petition or a nomination petition for these offices or who seeks to be declared a write-in candidate for these offices must declare, under oath, that the person's primary residence is in the district the person seeks to represent.

The amendment also clarifies that a vacancy occurs in the office of State Senator or State Representative when the incumbent no longer maintains a primary residence in the district the person represents.

This amendment was not adopted.

LD 114 An Act To Establish Open Primaries for Certain Federal and State Offices

**Accepted Majority
(ONTP) Report**

Sponsor(s)

RYKERSON D
GRATWICK G

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill provides for open primary elections for the elections for United States Senator, United States Representative to Congress, Governor, State Senator and State Representative. All of the candidates for those offices, including candidates enrolled in a party and unenrolled candidates, must appear on the same open primary ballot. All qualified voters, regardless of enrollment status, are eligible to vote in open primary elections.

Under the bill, the votes in an open primary election must be tabulated using ranked-choice voting, except that the

Joint Standing Committee on Veterans and Legal Affairs

two candidates who receive the most votes are declared the winners of the open primary and their names must appear on the ballot for the general election. If one of the two candidates who received the most votes at the open primary withdraws from the race at least 70 days before the general election, that candidate must be replaced with the candidate who received the third most votes in the open primary election, if any. Voters may not vote for a write-in candidate in a general election preceded by an open primary election. As a result, ranked-choice voting is no longer used in general elections for United States Senator and United States Representative to Congress under the bill. Instead, the candidate who receives a plurality of votes at the general election is elected to those offices.

Committee Amendment "A" (H-311)

This amendment, which is the minority report of the committee, makes the following changes to the election laws to implement the open primary election procedure authorized in the bill.

1. It reduces the number of candidate petition signatures that an unenrolled candidate for the office of United States Senator, United States Representative, Governor, State Senator or State Representative must obtain to be placed on the open primary ballot to match the number of petition signatures that a party candidate for the same office must obtain to be placed on the open primary ballot.
2. It authorizes an unenrolled candidate who is certified for participation under the Maine Clean Election Act and who participates in a contested open primary election to receive the same amount of distributions from the Maine Clean Election Fund that a certified party candidate receives for participation in the same contested open primary election.
3. If one of the two candidates who received the most votes at the open primary, as determined by ranked-choice voting, withdraws from the race at least 70 days before the general election, it directs the Secretary of State to replace that candidate on the general election ballot with the candidate who received the next most votes in the open primary who is willing and able to appear on the general election ballot. If no candidate meets these criteria, the amendment directs the Secretary of State to place a blank space on the general election ballot that may be used by a voter to vote for a write-in candidate.
4. It makes a technical change to the deadlines for candidate certification under the Maine Clean Election Act.
5. It adds an appropriations and allocations section.

This amendment was not adopted.

LD 116 An Act To Extend the Duration of Temporary Licenses for Sale and Consumption of Liquor

**PUBLIC 8
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N LUCHINI L	OTP-AM	H-5

This bill extends the duration of a liquor license issued to an incorporated civic organization from seven days to 10 days.

Committee Amendment "A" (H-5)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2019, chapter 8 extends the duration of a liquor license issued to an incorporated civic organization from seven days to 10 days. Public Law 2019, chapter 8 was enacted as an emergency measure effective March 25,