

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<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 2019

**STAFF:**

JANET STOCCO, LEGISLATIVE ANALYST  
DANIEL TARTAKOFF, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/legis/opla/>

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# STATE OF MAINE

129<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 129<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.

*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 129<sup>th</sup> 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*

This amendment was not adopted.

**LD 1456 An Act To Amend the Laws Governing Raffles**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P	ONTP	

This bill repeals the current law governing raffles and enacts new law based on the former Maine Revised Statutes, Title 17, section 1837, which was enacted by Public Law 2009, chapter 487, Part A, section 2 and took effect on July 12, 2010.

**LD 1463 An Act To Create an Automatic Voter Registration System**

**PUBLIC 409**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S LUCHINI L	OTP-AM ONTP	H-458

This bill establishes, beginning January 1, 2022, a method of automatically registering eligible individuals to vote. The Department of the Secretary of State, Bureau of Motor Vehicles, when receiving any documentation from an individual doing business with the bureau, including applying for or renewing a driver's license or nondriver identification card, is required to scan and electronically store the documentation provided by the individual. If the documentation provides proof of eligibility to vote, including citizenship, age and residency, that individual is added to the central voter registration system and relevant information is transmitted to election officials unless the individual, at the time of the collection of the documentation, chooses not to be registered to vote, which the Secretary of State is required to ensure that an individual is given the opportunity to do. An application or document used to collect information that may be used to register an individual must contain a notice that the individual's information may be used to register that individual to vote, meaning that the information would be available by persons other than the State or election officials. An election official must provide the same notice to an individual upon receipt of the registration record from the Bureau of Motor Vehicles and also must inform the individual of the ability to choose not to be registered to vote and to pick a party affiliation. If the individual fails to respond within 21 days, the individual is considered a registered voter if that individual meets the qualifications to be registered as a voter.

The Secretary of State and the Governor are allowed to designate other state agencies and departments and public and private entities, such as colleges and municipal clerk offices, as so-called source agencies that are allowed to submit registration information to the bureau for inclusion in the central voter registration system, but only if those agencies, as part of their normal course of business, collect information that provides proof of eligibility to vote, including an entity that, as of January 1, 2022, is designated under the National Voter Registration Act of 1993 as a voter registration agency that collects information that provides proof of voter eligibility. A source agency is required to comply with the same restrictions regarding sharing and use of documentation as the bureau.

Information from a source agency may also be used to update an individual's voter registration.

This bill exempts from liability an individual who is not qualified to be a registered voter but who becomes a registered voter by operation of the automatic registration, as long as that individual has not knowingly or willfully provided false information.

This bill also requires the Secretary of State to adopt major substantive rules to implement the new automatic voter registration system and submit those rules, along with any proposed legislation necessary for the proper

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

implementation of the new system, to the Second Regular Session of the 129th Legislature.

Finally, this bill lowers the age at which a person may submit a conditional registration to vote and enrollment in a political party from 17 years of age to 16 years of age.

### **Committee Amendment "A" (H-458)**

This amendment, which is the majority report of the committee, makes the following changes to the automatic voter registration system established in the bill.

1. It clarifies the process for automatic voter registration. When an individual doing business with a source agency provides information demonstrating the individual's eligibility to vote, the individual must be notified that the individual's information will be used to register that individual to vote unless the individual declines to be registered. If the individual does not opt out, the source agency must create a pending voter registration record and transmit that record to the applicable registrar of voters, who shall determine whether the individual is eligible to vote. If the individual is eligible to vote, the registrar must enter the individual's information in the central voter registration system or, if the individual is already registered to vote, the registrar must update the central voter registration system with the individual's change of name or address, if any.
2. As in the bill, the Department of the Secretary of State, Bureau of Motor Vehicles is automatically designated a "source agency" through which automatic voter registration takes place. Unlike the bill, the amendment grants authority to designate other source agencies only to the Secretary of State. The Secretary of State may designate as a source agency a state entity or department or another entity designated by Section 7 of the National Voter Registration Act of 1993, as long as the Secretary of State verifies that the department, agency or entity collects documents that provide proof of voter eligibility as part of its normal course of business.
3. It eliminates the provisions of the bill establishing specific privacy and security measures and specific restrictions against the misuse of voter registration information, allowing the Secretary of State to adopt rules related to these topics.
4. It changes the rules that the Secretary of State may adopt to implement the automatic voter registration system from major substantive rules to routine technical rules.
5. It changes to January 1, 2020 the effective date of the provision of the bill that lowers the age at which a person may submit a conditional registration to vote and enroll in a political party.
6. As in the bill, automatic voter registration is effective January 1, 2022. Unlike the bill, the amendment directs the Secretary of State to submit, by January 1, 2020, a report to the Joint Standing Committee on Veterans and Legal Affairs on the progress made toward implementing automatic voter registration and the estimated time required to complete all activities necessary for implementation. The Joint Standing Committee on Veterans and Legal Affairs may report out legislation to the Second Regular Session of the 129th Legislature based on the report.
7. It adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2019, chapter 409 establishes, beginning January 1, 2022, a method of automatically registering eligible individuals to vote. When an individual doing business with a source agency provides information demonstrating the individual's eligibility to vote, the individual must be notified that the individual's information will be used to register that individual to vote unless the individual declines to be registered. If the individual does not affirmatively opt out, the source agency must create a pending voter registration record and transmit that record to the applicable registrar of voters, who shall determine whether the individual is eligible to vote. If the individual is eligible to vote, the registrar must enter the individual's information in the central voter registration system or, if the individual is already registered to vote, the registrar must update the central voter registration system with the

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individual's change of name or address, if any. An individual who is not qualified to be a registered voter but who becomes a registered voter by operation of the automatic registration is exempted from liability as long as that individual has not knowingly or willfully provided false information.

The Department of the Secretary of State, Bureau of Motor Vehicles is automatically designated a "source agency" through which automatic voter registration takes place. The Secretary of State may designate another state agency or department or another entity designated by Section 7 of the National Voter Registration Act of 1993 as a source agency, as long as the Secretary of State verifies that the department, agency or entity collects documents that provide proof of voter eligibility as part of its normal course of business.

Public Law 2019, chapter 409 also requires the Secretary of State to audit the central voter registration system for quality of data prior to implementation of automatic voter registration and periodically thereafter and to adopt routine technical rules to implement the new automatic voter registration system. The Secretary of State is further required to submit, by January 1, 2020, a report to the Joint Standing Committee on Veterans and Legal Affairs on the progress made toward implementing automatic voter registration and the estimated time required to complete all activities necessary for implementation. The Joint Standing Committee on Veterans and Legal Affairs may report out legislation to the Second Regular Session of the 129th Legislature based on the report.

Finally, effective January 1, 2020, Public Law 2019, chapter 409 lowers from 17 years of age to 16 years of age the age at which a person may submit a conditional registration to vote and to enroll in a political party.

**LD 1477      RESOLUTION, Proposing an Amendment to the Constitution of Maine      CARRIED OVER**  
**To Facilitate the Use of Ranked-choice Voting for Governor and**  
**Members of the Legislature**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J MIRAMANT D	OTP-AM ONTP	H-236

This resolution proposes to amend the Constitution of Maine to allow the Legislature, or the people by using the direct initiative, to determine whether a general election for the Governor, a State Senator or a State Representative should be decided by a plurality or a majority of the votes.

**Committee Amendment "A" (H-236)**

This amendment, which is the majority report of the committee, allows the Legislature, or the people using the direct initiative, to establish the method for determining the winners of general elections for Governor, State Senators and State Representatives. The amendment also clarifies that, after local officials form records of the votes received in a general election for Representatives, Senators and Governor, the ballots may be forwarded to the Secretary of State at the direction of the Secretary of State, rather than to the Governor as in the resolution.

This resolution was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 1493      An Act To Exempt Cribbage and Other Card Games from Licensing      ONTP**  
**and Regulation When Conducted by Certain Organizations**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H	ONTP	