

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

This bill amends the laws regarding games of chance conducted and regulated pursuant to the Maine Revised Statutes, Title 17, chapter 62, including the following.

1. It provides a definition of "bona fide charitable organization" to include entities such as fire departments and political, recreational and patriotic organizations, as long as those entities have tax-exempt status under the United States Internal Revenue Code of 1986, are licensed as charitable organizations under the Charitable Solicitations Act and are corporations in good standing with the Secretary of State.
2. It provides a definition of "game of chance and skill" for the purpose of distinguishing a game that requires the skillful exercise of judgment to influence the outcome of a game from a game of chance, which is a game in which chance influences the outcome in a manner that cannot be eliminated through the application of skill.
3. It provides that a game of chance and skill that is conducted by a bona fide charitable organization is exempt from licensing and other regulation.
4. It provides that a game of chance and skill that is conducted by a person that is not a bona fide charitable organization is treated in the same manner, for purposes of regulation and licensing, as a game of chance.
5. It removes the cap on the maximum number of players allowed in tournament games and requires prizes to be paid by check.
6. It removes the specific regulation of cribbage tournaments and the exceptions for cribbage tournaments, since they will either not be regulated if conducted by a bona fide charitable organization or will be subject to the same regulation as other tournament games if conducted by an organization that is not a bona fide charitable organization.
7. It removes the requirement that the Department of Public Safety, Gambling Control Unit adopt rules that regulate undesirable activities and conduct of organizations established primarily to operate games but that do not have a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or public safety purpose.

LD 1495 **Resolve, Regarding the Revision of Title 28-A of the Maine Revised Statutes**

RESOLVE 15

Sponsor(s)

Committee Report

Amendments Adopted

This resolve, which was reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Joint Order 2019, Senate Paper 381, does the following.

1. It repeals Resolve 2017, chapter 18, which directed legislative staff to prepare a recodification and revision of the Maine Revised Statutes, Title 28-A and to submit it to the Joint Standing Committee on Veterans and Legal Affairs no later than January 15, 2019.
2. It directs the Office of Policy and Legal Analysis to prepare an analysis regarding inconsistencies, duplications and ambiguities contained within the text of Title 28-A and, on or before January 1, 2020, to submit that analysis to the Joint Standing Committee on Veterans and Legal Affairs.
3. It authorizes the Joint Standing Committee on Veterans and Legal Affairs to report out legislation to the Second Regular Session of the 129th Legislature proposing revisions to Title 28-A in response to the analysis submitted by the Office of Policy and Legal Analysis.

Joint Standing Committee on Veterans and Legal Affairs

Enacted Law Summary

Resolve 2019, chapter 15 repeals Resolve 2017, chapter 18, which directed legislative staff to prepare a recodification and revision of the Maine Revised Statutes, Title 28-A and to submit that recodification and revision to the Joint Standing Committee on Veterans and Legal Affairs no later than January 15, 2019.

Resolve 2019 chapter 15 instead directs the Office of Policy and Legal Analysis to prepare an analysis regarding inconsistencies, duplications and ambiguities contained within the text of Title 28-A and submit that analysis to the Joint Standing Committee on Veterans and Legal Affairs on or before January 1, 2020. The Joint Standing Committee on Veterans and Legal Affairs may report out legislation to the Second Regular Session of the 129th Legislature proposing revisions to Title 28-A in response to the analysis submitted by the Office of Policy and Legal Analysis.

LD 1515 An Act To Allow Sports Wagering in Maine

ONTP

Sponsor(s)

WHITE D
FARRIN B

Committee Report

ONTP

Amendments Adopted

This bill authorizes the Department of Public Safety, Gambling Control Board to issue licenses to operate sports pools to commercial tracks and off-track betting facilities in the State. Under the bill, wagers on sports events must be made in person at a sports wagering lounge and may not be transmitted over the Internet from a remote location.

Sports pool operators may accept wagers on all professional or amateur sports events except high school sports events and other events in which a majority of the participants are minors. Sports pool operators may not accept wagers from persons whose identity they cannot verify; persons under 18 years of age; the director, officers and employees of the sports pool operator and relatives living in the same household as those persons; athletes, coaches, referees and umpires participating in the sports event; other interested persons including persons who own more than 50% of the legal or beneficial interest in any team if the sports event upon which the wager is placed is overseen by the person's league or sports governing body; persons with confidential information that could affect the outcome of the sports event; persons who are on a list of persons who are to be excluded or removed from a sports wagering lounge established by the board, including persons who voluntarily request to be excluded; and persons who make wagers on behalf of another person.

The bill requires the board to adopt rules regulating the operation of sports pools, including rules restricting the types of wagers permitted, establishing the maximum wagers that may be accepted from any one person on a single sports event, regulating the design and minimum security standards for in-person sports wagering lounges located within a commercial track or off-track betting facility and establishing record-keeping, reporting and auditing requirements.

The bill further requires that 18% of net sports pool income be transferred to the board for distribution as follows: 1% for administrative expenses of the board; 2% for primary and secondary school education in the State; 2% for the Maine Community College System's scholarships program; 2% to the Agricultural Fair Support Fund; 2% to the fund used to supplement harness racing purses; 2% to the Fund to Encourage Racing at Maine's Commercial Tracks; 2% to the Fund to Stabilize Off-track Betting Facilities; and 5% to be divided equally among the tribal governments of the federally recognized Indian tribes in the State.

Finally, the bill provides that the laws governing unlawful gambling and games of chance do not apply to sports pool operators that comply with the laws governing sports pools.

Selected portions of this bill were incorporated in the committee amendments to LD 553.