

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
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 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.

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as permissible hours of operation and maximum size of any common consumption area located within the entertainment district. The ordinance must also specify the maximum number of licensees that may operate a single common consumption area and whether a common consumption area located within the entertainment district may include public or private ways.

An auditorium, hotel, restaurant, Class A restaurant, Class A restaurant/lounge or Maine manufacturer that is licensed under the Maine Revised Statutes, Title 28-A to serve alcoholic beverages and that is located within the entertainment district and adjacent to the common consumption area is eligible for a common consumption area license. The process for review and approval of applications for licenses for the on-premises consumption of liquor by the municipal officers and by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations applies to applications for licenses for a common consumption area license.

The customers of a common consumption area licensee may consume alcoholic beverages served by the licensee either on the licensee's premises or within the premises of the common consumption area, which must be controlled by barriers and by signs prohibiting consumption beyond the barriers. A common consumption area license does not permit the licensee to serve any alcoholic beverages that the licensee is not authorized to serve pursuant to the licensee's underlying auditorium, hotel, restaurant, Class A restaurant, Class A restaurant/lounge or Maine manufacturer liquor license.

LD 1686 An Act To Allow Maine Clean Election Act Funds To Be Used for Election Recounts

Accepted Majority (ONTP) Report

Sponsor(s)
ACKLEY K

Committee Report
ONTP
OTP-AM

Amendments Adopted

This bill allows a candidate to spend revenues received under the Maine Clean Election Act for election recount expenditures. Compare LD 411.

Committee Amendment "A" (H-534)

This amendment, which is the minority report of the committee, clarifies that a candidate may only spend revenues the candidate previously received under the Maine Clean Election Act for the cost of legal representation during a recount or subsequent court challenge if the recount is requested by the candidate's opponent. Maine Clean Election Act Fund revenues may not be used to pay the deposit due to the Secretary of State by a candidate who requests a recount.

This amendment was not adopted.

LD 1721 An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act

PUBLIC 323

Sponsor(s)

Committee Report
OTP-AM
ONTP

Amendments Adopted
S-195

This bill, which was submitted by the Commission on Governmental Ethics and Election Practices, specifies that appointees to the Commission on Governmental Ethics and Election Practices who fill an unexpired term on the commission for less than two years are eligible to be appointed to two consecutive full terms thereafter. It also authorizes disclosure of a memorandum or report prepared by commission staff on an audit or investigation at the time the memorandum or report is submitted to the commission, as long as the subject of the audit or investigation is

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provided a prior opportunity to review the memorandum or report to identify confidential or privileged material.

The bill also makes a number of changes to the campaign reports and finances laws, including:

1. Expanding the time immediately preceding an election during which the name and address of the person who paid for a media communication that clearly identifies a candidate or the name of the person who paid for a prerecorded or scripted telephone call that clearly identifies a candidate must be disclosed and a statement must be made indicating whether the candidate authorized the media communication or telephone call. Under the bill, these disclosures are required if the communication is made during the 28 days preceding a primary election, the 35 days preceding a special election or from Labor Day to the date of a general election. Phone surveys that are not intended to change someone's vote are exempt from these disclosure requirements;
2. Creating a new requirement that, when a person expends more than \$500 on a prerecorded or scripted telephone call that expressly advocates for or against a referendum question, the name of the person who paid for the telephone call must be clearly stated. Phone surveys that are not intended to change someone's vote are exempt from this disclosure requirement;
3. Requiring that membership organizations and corporations report paid communications that expressly advocate the election or defeat of a candidate if the cost of those communications is in excess of \$100, rather than \$50 as in current law;
4. Waiving for unopposed candidates the requirement that a candidate for state or county office report to the commission and a candidate for municipal office report to the municipal clerk within 24 hours of receiving a single contribution or making a single expenditure of \$1,000 or more from the 13th day before an election to the day before an election;
5. Waiving for primary elections the requirement that municipal, district and county party committees report to the commission within 24 hours of receiving a single contribution of \$5,000 or more or making a single expenditure of \$1,000 or more from the 13th day before the election to the day before the election;
6. Authorizing traditionally financed candidates to use surplus campaign contributions for payment of expenses related to a recount;
7. Clarifying the dates that campaign finance reports are due and specifying that party committees, political action committees and ballot question committees need not file reports 11 days before an election and 42 days after an election in years when a primary and general election are not held, unless the committee received contributions or made expenditures for purposes of influencing a ballot question election, a special election or a municipal candidate or referendum election;
8. Amending the laws regarding reports by political action committees to make those laws apply to ballot question committees and amending the definition to ballot question committee to include persons who are not political action committees and receive contributions or make expenditures in excess of \$5,000 for the purpose of initiating or influencing a campaign for a ballot question unless the person only makes expenditures of the person's own money to political action committees or ballot question committees for this purpose; and
9. Increasing the penalty for candidates who fail to register with the commission from \$10 to \$100 and establishing the penalty for filing a campaign finance report that does not substantially conform to the reporting requirements, when the dollar amount of the financial activity exceeds \$50,000, as 100% of the dollar amount of that financial activity.

It also makes changes to the Maine Clean Election Act in the provisions regarding terms of participation, including:

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1. Requiring a contributor making a qualifying contribution by check or money order to sign the check or money order and allowing the candidate to remedy an error on the check or money order by endorsing the check or money order to the Maine Clean Election Fund. It allows a contributor to make a qualifying contribution to a participating candidate in the form of cash as long as the contributor signs a form affirming the contribution was made with personal funds. It also allows a contributor to make a qualifying contribution with cash as long as the candidate submits a money order in the same amount to the commission. It specifies that if a participating candidate uses personal funds to pay fees for the purchase of a cashier's check or money order, those fees are not a contribution to the candidate and are not required to be disclosed in campaign finance reports and that the candidate must report any cashier's check or money order fees paid by anyone other than the candidate as an in-kind contribution subject to seed money limitations. It specifies that a payment, gift or anything of value may not be given in exchange for a qualifying contribution;
2. Specifying that a candidate must meet the qualifications for candidacy and for holding office, including residency requirements provided in the Constitution of Maine, and that the commission may consider a request to investigate a candidate's qualifications at any point prior to 6 months after the election for which the candidate received funding. It also provides that failure to meet the qualifications is grounds for revocation of certification under the Maine Clean Election Act; and
3. Prohibiting a candidate's using Maine Clean Election Fund revenues to pay or compensate, for campaign-related goods or services, the candidate or the candidate's spouse or domestic partner, a sole proprietorship of the candidate or the candidate's spouse or domestic partner, a business entity in which the candidate or the candidate's spouse or domestic partner holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer. It allows a candidate to make expenditures using fund revenues to pay a member of the candidate's immediate family or household, other than the candidate's spouse or domestic partner, a business entity in which a member of the candidate's immediate family or household, other than the candidate's spouse or domestic partner, holds a significant interest or a nonprofit entity in which a member of the candidate's immediate family or household, other than the candidate's spouse or domestic partner, is a director, officer, executive director or chief financial officer, as long as the expenditure is for a legitimate campaign-related purpose, to an individual or business engaged in the normal course of business and in a reasonable amount.

Committee Amendment "A" (S-195)

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. Under the bill, when prerecorded automated telephone calls and scripted live telephone calls that name a clearly identified candidate are made within 28 days before a primary election, within 35 days before a special election or between Labor Day and the date of a general election, the telephone calls must include information disclosing both the name of the person who paid for or financed the telephone call and whether the candidate authorized the telephone call. The amendment clarifies that surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include these disclosures.
2. Under the bill, when a person makes an expenditure exceeding \$500 that expressly advocates for or against an initiative or referendum on the ballot through prerecorded automated telephone calls or scripted live telephone calls, the telephone calls must clearly state the name of the person who made or financed the telephone calls. The amendment clarifies that surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include this disclosure.
3. It strikes the provision of the bill authorizing a traditionally financed candidate to expend surplus campaign funds on expenses related to a recount.

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4. The bill eliminates the requirement in current law that municipal, district and county party committees submit a campaign finance report within 24 hours of receiving a single contribution of \$5,000 or more or making any expenditure of \$1,000 or more, if that contribution or expenditure is made within the 13 days before a primary election. The amendment clarifies that these so-called 24-hour reports continue to be required when a municipal, district or county party committee receives a single contribution of \$5,000 or more or makes an expenditure of \$1,000 or more within the 13 days before a special election.
5. It removes the provisions of the bill authorizing the Commission on Governmental Ethics and Election Practices to investigate whether a candidate certified as a Maine Clean Election Act candidate meets the qualifications for candidacy and for holding office set forth in the Constitution of Maine.
6. It makes technical changes to the terminology used in several provisions of the campaign finance laws included in the bill.

Enacted Law Summary

Public Law 2019, chapter 323 specifies that appointees to the Commission on Governmental Ethics and Election Practices who fill an unexpired term on the commission for less than two years are eligible to be appointed to two consecutive full terms thereafter. It also authorizes disclosure of a memorandum or report prepared by commission staff on an audit or investigation at the time the memorandum or report is submitted to the commission, as long as the subject of the audit or investigation is provided a prior opportunity to review the memorandum or report to identify confidential or privileged material.

Public Law 2019, chapter 323 also makes a number of changes to the campaign reports and finances laws, including:

1. Expanding the time immediately preceding an election during which the name and address of the person who paid for a media communication that clearly identifies a candidate or the name of the person who paid for a prerecorded or scripted telephone call that clearly identifies a candidate must be disclosed and a statement must be made indicating whether the candidate authorized the media communication or telephone call. Under chapter 323, these disclosures are required if the communication is made during the 28 days preceding a primary election, the 35 days preceding a special election or from Labor Day to the date of a general election. Phone surveys that are not intended to influence someone's vote are exempt from these disclosure requirements;
2. Creating a new requirement that, when a person expends more than \$500 on a prerecorded or scripted telephone call that expressly advocates for or against a referendum question, the name of the person who paid for the telephone call must be clearly stated. Phone surveys that are not intended to influence someone's vote are exempt from this disclosure requirement;
3. Requiring that membership organizations and corporations report paid communications that expressly advocate the election or defeat of a candidate if the cost of those communications is in excess of \$100, rather than \$50 as in current law;
4. Waiving for unopposed candidates the requirement that a candidate for state or county office report to the commission and a candidate for municipal office report to the municipal clerk within 24 hours of receiving a single contribution or making a single expenditure of \$1,000 or more from the 13th day before an election to the day before an election;
5. Waiving for primary elections the requirement that municipal, district and county party committees report to the commission within 24 hours of receiving a single contribution of \$5,000 or more or making a single expenditure of \$1,000 or more from the 13th day before the election to the day before the election;
6. Clarifying the dates that campaign finance reports are due and specifying that party committees, political action

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committees and ballot question committees need not file reports 11 days before an election and 42 days after an election in years when a primary and general election are not held, unless the committee received contributions or made expenditures for purposes of influencing a ballot question election, a special election or a municipal candidate or referendum election;

7. Amending the laws regarding reports by political action committees to make those laws apply to ballot question committees and amending the definition to ballot question committee to include persons who are not political action committees and receive contributions or make expenditures in excess of \$5,000 for the purpose of initiating or influencing a campaign for a ballot question unless the person only makes expenditures of the person's own money to political action committees or ballot question committees for this purpose; and

8. Increasing the penalty for candidates who fail to register with the commission from \$10 to \$100 and establishing the penalty for filing a campaign finance report that does not substantially conform to the reporting requirements, when the dollar amount of the financial activity exceeds \$50,000, as 100% of the dollar amount of that financial activity.

Public Law 2019, chapter 323 also makes changes to the Maine Clean Election Act in the provisions regarding terms of participation, including:

1. Requiring a contributor making a qualifying contribution by check or money order to sign the check or money order and allowing the candidate to remedy an error on the check or money order by endorsing the check or money order to the Maine Clean Election Fund. It allows a contributor to make a qualifying contribution to a participating candidate in the form of cash as long as the contributor signs a form affirming the contribution was made with personal funds. It also allows a contributor to make a qualifying contribution with cash as long as the candidate submits a money order in the same amount to the commission. It specifies that if a participating candidate uses personal funds to pay fees for the purchase of a cashier's check or money order, those fees are not a contribution to the candidate and are not required to be disclosed in campaign finance reports and that the candidate must report any cashier's check or money order fees paid by anyone other than the candidate as an in-kind contribution subject to seed money limitations. It specifies that a payment, gift or anything of value may not be given in exchange for a qualifying contribution; and

2. Prohibiting a candidate's using Maine Clean Election Fund revenues to pay or compensate, for campaign-related goods or services, the candidate or the candidate's spouse or domestic partner, a sole proprietorship of the candidate or the candidate's spouse or domestic partner, a business entity in which the candidate or the candidate's spouse or domestic partner holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer. It allows a candidate to make expenditures using fund revenues to pay a member of the candidate's immediate family or household, other than the candidate's spouse or domestic partner, a business entity in which a member of the candidate's immediate family or household, other than the candidate's spouse or domestic partner, holds a significant interest or a nonprofit entity in which a member of the candidate's immediate family or household, other than the candidate's spouse or domestic partner, is a director, officer, executive director or chief financial officer, as long as the expenditure is for a legitimate campaign-related purpose, to an individual or business engaged in the normal course of business and in a reasonable amount.

**LD 1722 Resolve, Directing the Secretary of State To Develop a Plan for
Implementation of Automatic Registration of Nonregistered Persons
Qualified To Vote through Records of the Bureau of Motor Vehicles**

ONTP

Sponsor(s)

LUCHINI L

Committee Report

ONTP

Amendments Adopted