

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

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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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*Committee member for a portion of the session

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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collection of signatures for a direct initiative or people’s veto referendum that may be placed on the ballot in a future election or an article to be placed on a municipal warrant if space is available, arrangements are made with the municipal clerk prior to election day and signatures are not solicited until after a voter finishes voting.

- 4. It authorizes the warden to direct that a person who engages in prohibited activities be removed from the voting place.
- 5. It requires the Secretary of State to issue interpretive guidelines for use by local election officials, candidates, campaigns and the public.

Committee Amendment "A" (S-409)

This amendment, which is the majority report of the committee, makes the following changes to the bill's restrictions on activities at voting places on election day.

- 1. It clarifies that the restrictions in the bill apply to the voting place on election day and also to municipal clerks' offices when absentee voting may take place.
- 2. It removes the portion of the bill that requires a six-foot-wide access corridor from the entrance of the voting place to the guardrail enclosure where voting takes place.
- 3. It clarifies that, when persons or organizations request space to conduct activities related to the collection of signatures on a petition to qualify a measure for the ballot at a future election, the clerk and the warden may not unreasonably deny those requests. In addition, it clarifies that those requests may be made on the day of the election.
- 4. It adds cross-references to the definitions of "contribution" applicable to candidate campaigns and to ballot question campaigns to clarify the types of contributions that may not be collected within the campaign-free zone at a voting place on election day or within the campaign-free zone at a municipal clerk's office when absentee voting may take place.

Committee Amendment "B" (S-410)

This amendment, which is the minority report of the committee, strikes and replaces the bill and changes the title. The amendment generally preserves current law governing the activities at polling places except that it newly prohibits the solicitation or acceptance of contributions for a campaign for the nomination or election of a candidate or a campaign to initiate or influence a ballot measure on public property within 250 feet of the entrance to the voting place as well as within the voting place itself on election day.

The bill was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1904 An Act To Amend Certain Laws Governing Elections

PUBLIC 636

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL BRYANTM	OTP-AM ONTP	H-776 SCHNECK J S-408

This bill, submitted by the Secretary of State, makes the following changes to the laws governing elections.

- 1. It authorizes a municipal registrar of voters to use two additional methods for identifying and removing deceased voters from the voting rolls: a published obituary or a signed notice from an immediate family

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member containing the name, date and place of death of a voter.

2. It changes the process for replacement of a party's candidate for United States Senator, Representative to Congress and Governor to match the process used for candidates for all other federal, state and county offices other than United States President.
3. It lowers the age of qualification to serve as a municipal election clerk from 17 years of age to 16 years of age to correspond to the provision of Public Law 2019, chapter 409 that allows 16-year-old individuals to conditionally register to vote.
4. It resolves an inconsistency in the law by shortening the time that municipalities have to submit their official election returns to the Secretary of State from three business days to two business days after the election, and it moves the provision for sending a courier to retrieve delinquent returns to the same section of law as the deadline for filing those returns.
5. If early processing of absentee ballots will occur, it requires the municipal clerk to post the notice of early processing of absentee ballots with the notice of election.
6. It specifies that an application for a direct initiative or people's veto referendum must include the telephone numbers and email addresses of the applicant and the five additional registered voters who are required to be listed on the application under current law and provides that the Secretary of State will send all notices related to the relevant direct initiative or people's veto referendum to those individuals by e-mail only.
7. It requires that the full text and summary of a direct initiative, which must be included in the application for a direct initiative under current law, must be submitted to the Secretary of State in both printed and electronic format.

Committee Amendment "A" (S-408)

This amendment, which is the majority report of the committee, strikes the provision of the bill that lowers the age of qualification to be an election official from 17 years of age to 16 years of age.

The amendment retains all other provisions of the bill, including the provisions of the bill that change the candidate withdrawal provisions for United States Senator, Representative to Congress and Governor to match those of other offices, but further clarifies the laws governing the candidate withdrawal process for all federal, state and county offices, other than for United States President, as follows.

1. For all elections, as in current practice, the name of a candidate who withdraws 70 days or more before any election for any reason will be removed from the ballot.
2. For general elections, as in current practice, a candidate who is a member of a political party and who withdraws before the second Monday in July preceding the general election may be replaced by the appropriate political committee no later than 5 p.m. of the fourth Monday in July preceding the general election and will be listed on the general election ballot.
3. For general elections, as in current practice, a candidate who is a member of a political party and who dies or withdraws due to incapacity may be replaced by the appropriate political committee as soon as practicable. If the Secretary of State receives notification of the replacement candidate no later than 60 days before the general election, new ballots listing the replacement candidate must be printed. If the Secretary of State receives a later notification, however, the amendment newly clarifies that the Secretary of State is not required to print new ballots but may amend ballots already printed or issue a notice to supplement ballots already printed informing voters of the

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replacement candidate and instructing voters how they may vote for the replacement candidate.

4. For general elections, as in current practice, the name of a candidate who withdraws for a reason other than incapacity less than 70 days before the general election will not be removed from the ballot and voters casting ballots after the withdrawal will be notified that the candidate has withdrawn and that a vote for that candidate will not be counted.
5. For uncontested primary elections, as in current practice, if a candidate dies or becomes disqualified before the primary election or withdraws for another reason 70 days or more before the primary election, the appropriate political committee may select a replacement candidate. Also as in current practice, if the Secretary of State receives notification of the replacement candidate 60 days or more before the primary election, new ballots listing the replacement candidate must be printed. If the Secretary of State receives notification of the replacement candidate less than 60 days before the primary election, however, the amendment newly clarifies that the Secretary of State is not required to print new ballots but may amend ballots already printed or issue a notice to supplement ballots already printed informing voters of the replacement candidate and instructing voters how they may vote for the replacement candidate.
6. For contested primary elections, as in current practice, if a candidate dies or becomes disqualified 70 days or more before the primary election, the candidate's name will be removed from the ballot but a replacement candidate may not be named. If a candidate dies or becomes disqualified less than 70 days before a contested primary election, the amendment newly clarifies that although the candidate's name will not be removed from the ballot, voters casting ballots after the death or disqualification will be notified that the candidate is no longer running for office and that votes for the candidate will not be counted.
7. For both contested and uncontested primary elections, as in current practice, the name of a candidate who voluntarily withdraws less than 70 days before the primary election will not be removed from the ballot and voters casting ballots after the withdrawal will be notified that the candidate has withdrawn and that a vote for that candidate will not be counted.
8. For special elections to fill a vacancy in an office, as in current practice, if a candidate dies or withdraws from the election for any reason, the candidate's name will not be removed from the ballot and voters casting ballots after the death or withdrawal will be notified that the candidate has died or has withdrawn and that a vote for that candidate will not be counted.

The amendment also makes a technical change to the law governing municipal elections by removing language requiring ballots to be printed so that voters mark their choices in squares printed to the left of each candidate's name and substituting language authorizing ballots to be printed in any way that allows the voter to designate the voter's choice.

House Amendment "A" (H-776)

This amendment moves the deadline for a uniformed service voter or an overseas voter to register to vote or request an absentee ballot from 5:00 p.m. on election day to 5:00 p.m. on the day before election day.

Enacted Law Summary

Public Law 2019, chapter 636 makes the following changes to the laws governing elections.

1. It authorizes a municipal registrar of voters to use two additional methods for identifying and removing deceased voters from the voting rolls: a published obituary or a signed notice from an immediate family member containing the name, date and place of death of a voter.
2. It changes the candidate withdrawal provisions for United States Senator, Representative to Congress and

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Governor to match those other federal, state and county offices other than United States President and further clarifies the laws governing the candidate withdrawal process for these offices as follows.

- A. For all elections, as in current practice, the name of a candidate who withdraws 70 days or more before any election for any reason will be removed from the ballot.
- B. For general elections, as in current practice, a candidate who is a member of a political party and who withdraws before the second Monday in July preceding the general election may be replaced by the appropriate political committee no later than 5:00 p.m. of the fourth Monday in July preceding the general election and will be listed on the general election ballot.
- C. For general elections, as in current practice, a candidate who is a member of a political party and who dies or withdraws due to incapacity may be replaced by the appropriate political committee as soon as practicable. If the Secretary of State receives notification of the replacement candidate no later than 60 days before the general election, new ballots listing the replacement candidate must be printed. If the Secretary of State receives a later notification, however, the amendment newly clarifies that the Secretary of State is not required to print new ballots but may amend ballots already printed or issue a notice to supplement ballots already printed informing voters of the replacement candidate and instructing voters how they may vote for the replacement candidate.
- D. For general elections, as in current practice, the name of a candidate who withdraws for a reason other than incapacity less than 70 days before the general election will not be removed from the ballot and voters casting ballots after the withdrawal will be notified that the candidate has withdrawn and that a vote for that candidate will not be counted.
- E. For uncontested primary elections, as in current practice, if a candidate dies or becomes disqualified before the primary election or withdraws for another reason 70 days or more before the primary election, the appropriate political committee may select a replacement candidate. If the Secretary of State receives notification of the replacement candidate 60 days or more before the primary election, new ballots listing the replacement candidate must be printed. If the Secretary of State receives a later notification, however, the amendment newly clarifies that the Secretary of State is not required to print new ballots but may amend ballots already printed or issue a notice to supplement ballots already printed informing voters of the replacement candidate and instructing voters how they may vote for the replacement candidate.
- F. For contested primary elections, as in current practice, if a candidate dies or becomes disqualified 70 days or more before the primary election, the candidate's name will be removed from the ballot but a replacement candidate may not be named. If a candidate dies or becomes disqualified less than 70 days before a contested primary election, the amendment newly clarifies that although the candidate's name will not be removed from the ballot, voters casting ballots after the death or disqualification will be notified that the candidate is no longer running for office and that votes for the candidate will not be counted.
- G. For both contested and uncontested primary elections, as in current practice, the name of a candidate who voluntarily withdraws less than 70 days before the primary election will not be removed from the ballot and voters casting ballots after the withdrawal will be notified that the candidate has withdrawn and that a vote for that candidate will not be counted.
- H. For special elections to fill a vacancy in an office, as in current practice, if a candidate dies or withdraws from the election for any reason, the candidate's name will not be removed from the ballot and voters casting ballots after the death or withdrawal will be notified that the candidate has died or has withdrawn and that a vote for that candidate will not be counted.

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3. It moves the deadline for a uniformed service voter or an overseas voter to register to vote or request an absentee ballot from 5:00 p.m. on election day to 5:00 p.m. on the day before election day.
4. It resolves an inconsistency in the law by shortening the time that municipalities have to submit their official election returns to the Secretary of State from three business days to two business days after the election, and it moves the provision for sending a courier to retrieve delinquent returns to the same section of law as the deadline for filing those returns.
5. If early processing of absentee ballots will occur, it requires the municipal clerk to post the notice of early processing of absentee ballots with the notice of election.
6. It specifies that the telephone numbers and email addresses of the applicant and the five additional registered voters required to be listed on the application by law must be included in an application for a direct initiative or people's veto referendum and provides that the Secretary of State will send all notices to those individuals related to the relevant direct initiative or people's veto referendum by e-mail only.
7. It requires that the full text and summary of a direct initiative, which must be included in the application for a direct initiative, must be submitted to the Secretary of State in both printed and electronic format.
8. It makes a technical change to the law governing municipal elections by removing language requiring ballots to be printed so that voters mark their choices in squares printed to the left of each candidate's name and substituting language authorizing ballots to be printed in any way that allows the voter to designate the voter's choice.

LD 1926 **An Act To Amend the Laws Governing the Maine Veterans' Memorial Cemetery System**

PUBLIC 601

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM	S-411

This bill, submitted by the Department of Defense, Veterans and Emergency Management, clarifies the requirements for eligibility for burial in the Maine Veterans' Memorial Cemetery System for veterans and their dependents by amending the definitions of "eligible veteran" and "eligible dependent" to more closely align with the United States Department of Veterans Affairs' guidelines. This change is designed to ensure that the State remains eligible to receive burial plot allowances from the federal Department of Veterans Affairs for veterans buried in the state cemetery system.

Committee Amendment "A" (S-411)

The bill amends the definition of "eligible veteran" with respect to eligibility for burial in the Maine Veterans' Memorial Cemetery System. That definition of "eligible veteran" is also employed in current law to define veteran eligibility for temporary financial assistance. This amendment, which is the unanimous report of the committee, amends the statute governing the temporary financial assistance program by removing the cross-reference to the definition of "eligible veteran" in the cemetery statute and replacing it with the definition of "veteran" that is currently used in the rules governing the temporary financial assistance program to determine eligibility for assistance under that program.

Enacted Law Summary

Public Law 2019, chapter 601 clarifies the requirements for eligibility for burial in the Maine Veterans' Memorial Cemetery System for veterans and their dependents by amending the definitions of "eligible veteran" and "eligible dependent" to more closely align with the United States Department of Veterans Affairs' guidelines. This change is designed to ensure that the State remains eligible to receive burial plot allowances from the federal Department of