

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 41**

**An Act to Specify the Public Status of Disputed Ballots**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	ONTP MAJ OTP-AM MIN	

LD 41 proposed to require the Secretary of State to make available for public inspection disputed ballots arising from an election recount.

**Committee Amendment "A" (S-153)** proposed to specify that copies of disputed ballots in an election recount must be made available to the public for 60 days after the election has been resolved. The amendment also proposed to require the Secretary of State to ensure the privacy of voters and the integrity of the ballots. This amendment was not adopted.

**LD 54**

**An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses**

**PUBLIC 91**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL MAYO	OTP-AM MAJ OTP-AM MIN	H-98

LD 54 proposed to amend the law regarding special taste-testing festivals for breweries and farm wineries to allow greater participation by all breweries in Maine by removing the requirement that they may only be small breweries. It also proposed to expand the scope of the special once-a-year license to include out-of-state breweries and farm wineries subject to rules adopted by the Bureau of Liquor Enforcement within the Department of Public Safety.

**Committee Amendment "A" (H-98)** was the majority report of the Joint Standing Committee on Legal and Veterans Affairs. It proposed to replace the bill and clarify who may apply for a special taste-testing festival license and remove the provisions that permit out-of-state manufacturers of malt beverages to be licensed.

**Committee Amendment "B" (H-99)** which was not adopted, was the minority report of the Joint Standing Committee on Legal and Veterans Affairs. It proposed to clarify who may apply for a special taste-testing festival license and would have permitted out-of-state breweries to participate in the festival.

***Enacted Law Summary***

Public Law 2003, chapter 91 amends the law establishing special taste-testing festivals for small breweries and farm wineries to also permit in-state malt liquor manufactures to participate in the taste-testing festival.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 97

**An Act To Change the Personnel Employed by the Commission on Governmental Ethics and Election Practices**

**PUBLIC 381**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP-AM MAJ	H-414
GAGNON	ONTP MIN	

LD 97 proposed to replace the administrative director of the Commission on Governmental Ethics and Election Practices with an executive director. This bill also proposed to replace the commission's general counsel with a computer analyst whose compensation is paid from the Maine Clean Election Fund.

**Committee Amendment "A" (H-414)**, the majority report of the committee, proposed to replace the bill. The amendment proposed to change the title of the director of the Commission on Governmental Ethics and Election Practices from administrative director to executive director. The amendment also proposed to remove the requirement that the commission employ a general counsel and replace it with a requirement that commission hire either a general counsel or computer analyst based on the staffing needs of the executive director.

*Enacted Law Summary*

Public Law 2003, chapter 381 changes the title of the director of the Commission on Governmental Ethics and Election Practices from administrative director to executive director. This law also removes the requirement that the commission employ a general counsel and replaces it with a requirement that commission hire either a general counsel or computer analyst based on the staffing needs of the director.

LD 100

**An Act to Repeal the Presidential Preference Primary Elections Process**

**PUBLIC 470**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-34 H-600 CLARK S-289 CATHCART

LD 100 proposed to repeal the presidential preference primary elections process.

**Committee Amendment "A" (H-34)** proposed to add a fiscal note to the bill.

**House Amendment "A" (H-600)** proposed to remove the emergency preamble and emergency clause from the bill.

**Senate Amendment "A" (S-289)** proposed to add a General Fund deappropriation to the bill to reflect the savings to the Secretary of State from the elimination of the presidential preference primary.

*Enacted Law Summary*

Public Law 2003, chapter 470 repeals the presidential preference primary law, eliminating the system of nominating presidential candidates by preference primary.

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

**LD 121**

**An Act to Amend the Laws Governing Push Polling**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	ONTP MAJ OTP-AM MIN	

LD 121 proposed to define a "push poll" as a paid telephone survey that references a candidate when any one of those factors is present. Under current law, a "push poll" is defined as a paid telephone survey that references a candidate when all of the following factors are present: a list is used to select respondents based on demographic or political characteristics; the survey fails to make inquiries that would allow for the tabulation of results based on a relevant subset of the population; the pollster does not collect or tabulate survey results; the survey prefaces a question regarding support for a candidate on the basis of an untrue statement; and the survey is primarily for the purpose of suppressing or changing the voting position of the call recipient.

**Committee Amendment "A" (S-96)**, which was not adopted, proposed to replace the bill. This amendment proposed to amend the definition of a push poll to define a push poll as a survey that includes a question regarding support for a candidate on the basis of an untrue statement or a survey that is primarily for the purpose of suppressing or changing the voting position of the call recipient. This amendment was not adopted.

**LD 122**

**An Act Regarding the Sampling of Products**

**PUBLIC 69**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	OTP-AM	S-19

LD 122 proposed to amend current law to allow a partial bottle of wine as a sample. The bill proposed to require the wholesale licensee to document the amount of product sampled along with other details of the sampling. Additionally, this bill proposed to bring state law into compliance with federal law concerning the amount of beer and wine samples that may be given to a retail licensee on an annual basis.

**Committee Amendment "A" (S-19)** proposed to replace the bill. It specified that partial-bottle wine samples may be provided to liquor licensees and must be properly sealed between tastings. It also proposed to increase the annual limit for samples provided to retail licensees from 3 gallons of malt beverage and 3 gallons of wine to 9 gallons of malt beverage and 9 liters of wine.

### ***Enacted Law Summary***

Public Law 2003, chapter 69 amends current law to allow a partial bottle of wine as a sample. The law also requires a wholesale licensee to document the amount of product sampled along with other details of the sampling. Additionally, this law brings state law into compliance with federal law concerning the amount of beer and wine samples that may be given to a retail licensee on an annual basis.

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**LD 140**                      **An Act to Authorize Use of Beano Proceeds to Compensate Persons who Transport Disabled Veterans**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY PINEAU	ONTP	

LD 140 proposed to allow an organization recognized by the federal Veterans Health Administration to use beano proceeds to compensate members of that organization who provide transportation services to disabled veterans receiving medical treatment under the supervision of the federal Veterans Health Administration.

**LD 153**                      **An Act to Prohibit the Secretary of State From Endorsing Political Candidates**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLAIS	ONTP      MAJ OTP      MIN	

LD 153 proposed to prohibit the Secretary of State from using the secretary's official authority to interfere with or influence a partisan election or engage in any type of political activity.

**LD 186**                      **An Act to Prohibit the Sale of Liquor by Retail Licensees for Less than the Actual Price Paid**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEIDRICH KNEELAND	ONTP	

LD 186 proposed to prohibit retail liquor licensees from selling any liquor for less than the actual price paid by the licensee for the liquor.

**LD 200**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke the Voting Privileges of Convicted Persons in Prison**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS	ONTP      MAJ OTP-AM      MIN	

LD 200 proposed an amendment to the Constitution of Maine that would revoke the right to vote of a person convicted of murder or a Class A crime while that person is imprisoned in a jail or a correctional facility in the state.

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**Committee Amendment "A" (H-171)** was the minority report and proposed to change the proposed Constitutional amendment so that it would revoke the voting privileges of any person sentenced to a term of imprisonment in a state correctional facility instead of revoking the voting privileges of any person convicted of murder or a Class A crime who is imprisoned in either a jail or a correctional facility. This amendment was not adopted.

**LD 212**                      **An Act to Establish Instant Run-off Voting**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAGGETT		

LD 212, which has been carried over to the Second Regular Session, proposes to create an instant run-off voting method of determining winners in elections for President, Vice President, United States Senator, United States Representative to Congress, Governor, state Senator and state Representative. The method would simulate the ballot counts that would occur if all voters participated in a series of run-off elections and would allow a voter to rank candidates according to that voter's preferences. Each voter would have only one vote for each office, and the ballot count would be the same as would occur if voters participated in a series of run-off elections, with the weakest candidate eliminated after each round of counting.

There is an initial round of counting proposed by this bill. If more than 2 candidates receive votes after the initial round, the Secretary of State conducts an instant run-off round. In this instant run-off round, the Secretary of State would eliminate the candidate with the fewest votes. A ballot that ranks this eliminated candidate as the highest-ranked candidate would be counted as a vote for the highest-ranked advancing candidate on that ballot. An advancing candidate would be a candidate who has not been eliminated. This process of counting votes and eliminating the candidate with the fewest votes would continue until only 2 candidates remain. The candidate with the most votes would be declared the winner.

For the presidential and vice-presidential elections, the instant run-off voting method would be conducted to determine winners for the entire State as well as in each congressional district.

**LD 232**                      **An Act Concerning Political Action Committees and Party Committee Activities Prior to Elections**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL EARLE	OTP-AM    MAJ ONTP        MIN	

LD 232 proposed to require political action and party committees to submit to the Commission on Governmental Ethics and Election Practices and make available to the general public at least 72 hours before publication, any communication designed to influence an election that is intended to be published for the first time within the 10 days preceding the election.

**Committee Amendment "A" (S-223)** proposed to replace the bill and change the title. This amendment proposed to prohibit a certified Maine Clean Election Act candidate or a candidate seeking certification as a Maine Clean Election Act candidate from forming, participating in or soliciting or expending money for a political action

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committee except for political action committees formed to support local or statewide bond referenda. This amendment was not adopted.

**LD 243**                    **An Act to Change the Name of the Maine Clean Election Act to the "Publicly Funded Election Act"**                    **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	ONTP      MAJ OTP        MIN	

LD 243 proposed to change the name of the Maine Clean Election Act to the "Publicly Funded Election Act."

**LD 260**                    **An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee**                    **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWYER	OTP-AM    MAJ ONTP        MIN	S-116

LD 260 proposed to provide funds in the amount of \$28,000 to reimburse Philip Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee.

**Committee Amendment "A" (S-116)** proposed to replace the bill and was the majority report of the committee. The amendment proposed to clarify that the funds in the amount of \$28,000 reimburse Philip Wolley for the legal expenses associated with Mr. Wolley's defense of criminal charges brought in connection with his termination of employment as a state employee.

**LD 282**                    **An Act To Prohibit Municipal Elections within 60 Days of a Statewide Election**                    **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH WESTON	ONTP      MAJ OTP-AM    MIN	

LD 282 proposed to prohibit a municipality from holding a town meeting election within 60 days of a general or statewide election.

**Committee Amendment "A" (H-173)** was the minority report and proposed to replace the bill. The amendment proposed to prohibit municipalities from calling a special municipal election or special municipal referendum within 60 days of a regular election unless it is called for the same day as the regular election. The amendment also proposed to prohibit school administrative districts from calling a district referendum within 60 days of a regular election within the district unless the district referendum is called for the same day as the regular election. This amendment was not adopted.

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**LD 288**

**Resolve, to Authorize Michelle Booker to Sue the State**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J MAYO	OTP-AM	H-270

LD 288 proposed to authorize Michelle Booker, in her capacity as personal representative of the estate of Donna Leen, who was murdered on October 13, 2001 by Carl Wayne Heath following Mr. Heath's release from state criminal custody in Bangor, to sue the State under Maine's wrongful death laws. Compensatory damages are limited to \$400,000.

**Committee Amendment "A" (H-270)** proposed to clarify that the resolve authorizes suit against the Department of Corrections and constitutes a waiver of the State's defense of immunity under the Maine Tort Claims Act. The amendment also clarified that the maximum amount of recovery is \$400,000, including punitive damages.

**LD 373**

**An Act Eliminating the Receipt by the Maine Veterans' Homes of Any Reimbursement from the MaineCare Program for the Costs of Renovating the Existing 120-bed Maine Veterans' Homes Nursing Facility in Augusta**

**PUBLIC 3  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL GAGNON	OTP-AM	H-10

LD 373 proposed to prohibit the Department of Human Services from reimbursing the Maine Veterans' Homes with MaineCare funds for costs associated with renovations to its 120-bed nursing facility in Augusta in connection with a certificate of need application filed January 22, 2002, and to clarify that a Legislative appropriation of funds for the cost of the renovations is not required.

**Committee Amendment "A" (H-10)** proposed to add a provision to the bill to exempt the Maine Veterans' Homes renovation project from the provision of law that prohibits the Department of Human Services from modifying its principles of reimbursement for long-term care facilities to exclude reimbursement for depreciation of assets created with federal or state grants. The amendment proposed to direct the department to amend its rules regarding reimbursement of long-term care facilities accordingly. It also proposed to add a fiscal note to the bill.

### ***Enacted Law Summary***

Public Law 2003, chapter 3 prohibits the Department of Human Services from reimbursing the Maine Veterans' Homes with MaineCare funds for costs associated with renovations to its 120-bed nursing facility in Augusta in connection with a certificate of need application filed January 22, 2002, and clarifies that a Legislative appropriation of funds for the cost of the renovations is not required. The law also exempts this Maine Veterans' Homes renovation project from the provision of law that prohibits the Department of Human Services from modifying its principles of reimbursement for long-term care facilities to exclude reimbursement for depreciation of assets created with federal or state grants and directs the department to amend its rules accordingly.

Public Law 2003, chapter 3 was enacted as an emergency measure effective February 19, 2003.

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LD 381

**An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games**

**PUBLIC 192**

<u>Sponsor(s)</u> HOTHAM	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-227
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LD 381 proposed to clarify the requirements for how a consumer acquires information about a sweepstakes, game or contest offered by a certificate of approval holder, wholesale licensee or retail licensee of alcoholic beverages. The information would be required to be provided by a sign at the retail outlet or by a notice on the primary or secondary packaging of the brand offering the promotion.

**Committee Amendment "A" (H-227)** proposed to require a certificate of approval holder, wholesale licensee or retail licensee to provide information about how to participate in a sweepstakes, game or contest without purchase.

*Enacted Law Summary*

Public Law 2003, chapter 192 clarifies the requirements for how a consumer acquires information about a sweepstakes, game or contest offered by a certificate of approval holder, wholesale licensee or retail licensee of alcoholic beverages. It states that the information must be provided by a sign at the retail outlet or a notice on the primary or secondary packaging of the brand offering the promotion.

LD 426

**An Act To Preserve the Integrity of the Voting Process**

**PUBLIC 395**

<u>Sponsor(s)</u> THOMAS CATHCART	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-403 H-478 MILLS P
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LD 426 proposed to require anyone wishing to monitor the names and addresses of persons who are registering at the polling place to inform the registrar or election clerk of the proposed monitor's name, address and intent in the form of a signed statement. The bill proposed new language regarding challenging someone's right to vote by requiring that the challenge be made in the form of an affidavit under oath. That form would include, in addition to other items required under current law, the challenger's name, address and party affiliation, the challenger's status as a registered voter in that municipality, the name of the voter being challenged, the reason for the challenge and the source of the information on which the challenge is based. The bill proposed that a challenge may not be made on unsupported allegations or on allegations by anonymous third parties. This bill also proposed to make it a Class E crime to challenge a qualified and registered voter for the purpose of delaying the voter.

**Committee Amendment "A" (H-403)** proposed to outline procedures for individuals wanting to monitor polling places. It also proposed to require a person challenging another person's right to vote to file an affidavit listing the reason for the challenge and the source of the reason. Finally, it proposed to outline duties and abilities of wardens to regulate the challenge procedure.

**House Amendment "A" to Committee Amendment "A" (H-478)** proposed to require the warden to include in the sealed envelope with the challenge certificate the signed affidavit of the person who is challenging the right of another person to vote.

*Enacted Law Summary*

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Public Law 2003, chapter 395 amends current law regarding individuals wanting to monitor polling places and challenging a person's right to vote. Anyone who wishes to monitor the names and addresses of persons registering at the polling place is required to inform the registrar or clerk of that intent in writing. The law requires a person challenging another person's right to vote to file an affidavit listing the reason for the challenge and the source of the information on which that challenge is based. It also outlines the duties and authority of wardens to regulate the challenge procedure. Under this law, the warden is required to include the signed affidavit of the person challenging a voter in the sealed envelope with the challenge certificate.

**LD 433**

**An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees**

**PUBLIC 349**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO CLARK	OTP-AM	S-188

LD 433 proposed to permit wholesale liquor licensees to sell liquor to retail licensees with a debit card and would consider the use of a debit card the same as a cash transaction. Current law requires cash for such transactions.

**Committee Amendment "A" (S-188)** proposed to replace the bill. It would amend the law that requires the sale of liquor between manufacturers, wholesale licensees and retail licensees to be made in cash. This amendment proposed to permit the use of electronic funds transfers to conduct those transactions.

### *Enacted Law Summary*

Public Law 2003, chapter 349 amends the law that requires the sale of liquor between manufacturers, wholesale licensees and retail licensees to be made in cash. This law permits the use of electronic funds transfers to conduct those transactions.

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**LD 450**

**An Act To Allow the Transfer of Spirits within Existing Businesses**

**PUBLIC 208**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM MAJ ONTP MIN	H-229

LD 450 proposed to permit a business or corporation with multiple locations licensed to sell spirits for consumption off the premises to transfer spirits between one licensed location and another.

**Committee Amendment "A" (H-229)** proposed to clarify that if a business or corporation licensed to sell spirits for off-premises consumption has multiple licensed locations in the State the licensee would be permitted to transfer spirits only between those licensed locations and would require that a licensee notify the Department of Public Safety, Bureau of Liquor Enforcement in advance of the transfer of spirits between one location and another.

***Enacted Law Summary***

Public Law 2003, chapter 208 provides that if a business or corporation licensed to sell spirits for off-premises consumption has multiple licensed locations in the State, the licensee may transfer spirits only between those licensed locations and requires that a licensee notify the Department of Public Safety, Bureau of Liquor Enforcement in advance of the transfer of spirits between one location and another.

**LD 454**

**An Act To Clarify Campaign Finance Penalty Provisions**

**PUBLIC 81**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP	

LD 454 proposed to clarify that civil penalties for violations of the Maine Clean Election Act would also apply to violations of rules adopted by the Commission on Governmental Ethics and Election Practices.

***Enacted Law Summary***

Public Law 2003, chapter 81 specifies that civil penalties for violations of the Maine Clean Election Act apply to violations of rules adopted by the Commission on Governmental Ethics and Election Practices.

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**LD 466**

**An Act Concerning the Issuance of a Temporary Liquor License**

**PUBLIC 213**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-268
GAGNON	ONTP MIN	

LD 466 proposed to permit the Bureau of Liquor Enforcement to issue a temporary liquor license for up to 60 days from the date of transfer of ownership of an existing, licensed, on-premises establishment.

**Committee Amendment "A" (H-268)** proposed to replace the section in the original bill regarding the issuance of a temporary on-premises liquor license pending the issuance or denial of an annual license for an establishment that has had a transfer in ownership. With this amendment, a temporary license would be applied for at the same time an annual license application would be submitted. The Department of Public Safety, Bureau of Liquor Enforcement would be authorized to issue a temporary license for up to 60 days, unless there is objection from the municipal officials or county commissioners. Under this amendment the proposed fee for a temporary license would be \$100.

***Enacted Law Summary***

Public Law 2003, chapter 213 permits the issuance of a temporary on-premises liquor license pending the issuance or denial of an annual license for an establishment that has had a transfer in ownership. Under this law, a temporary license is applied for at the same time an annual license application is submitted. The Department of Public Safety, Bureau of Liquor Enforcement may issue a temporary license for up to 60 days, unless there is objection from the municipal officials or county commissioners. The fee for a temporary license is \$100.

**LD 486**

**An Act To Protect Communities Affected by Casino Gambling Operations**

**ONTP**

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

LD 486, which was a concept draft, proposed that, in the event that gambling casino operations are allowed in this State, a portion of the revenue received by the community in which a casino is located and by the State be required to be allocated to the surrounding towns to offset the impact of the casino on those surrounding towns.

**LD 507**

**Resolve, To Allow the Town of Dennysville To Sue the State and the Atlantic Salmon Commission for Breach of Contract**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN		

LD 507, a resolve, proposes to authorize the Town of Dennysville to sue the State for damages resulting from the Atlantic Salmon Commission's failure to ensure that after placing the weir in the Dennysville River water would be able to be drawn from the dry hydrant. LD 507 has been carried over to the Second Regular Session.

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**LD 513**                      **An Act To Legalize Gambling if Casinos Are Allowed in the State**                      **ONTP**

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 513 proposed to provide that if the operation of a casino is authorized in the State, any individual, group, organization or corporation may be licensed to conduct casino-style gambling without regard to race, creed, color or place of national origin.

**LD 516**                      **An Act To Share Revenue from Sales of Lottery Tickets and To Permit Additional Ticket Sales Locations**                      **ONTP**

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 516 proposed to allow the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to issue licenses to sell lottery tickets without regard to the distance between the new location and any other lottery agent's location. The bill also proposed to direct the State Liquor and Lottery Commission to distribute 12% of annual lottery ticket sales revenue back to sales agents as revenue sharing.

**LD 536**                      **An Act To Hold a Sales Agent Harmless for the Theft of Lottery Tickets if It Reports the Crime Immediately**                      **ONTP**

<u>Sponsor(s)</u> DOUGLASS THOMAS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 536 proposed to provide that a lottery ticket agent does not have to pay for lottery tickets stolen from the agent's business if the theft is reported to the Director of the Bureau of Alcoholic Beverages and Lottery Operations in the Department of Administrative and Financial Services within one business day.

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**LD 578**

**An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT		

LD 578, which has been carried over to the Second Regular Session, proposes to require the Department of Administrative and Financial Services, State Liquor and Lottery Commission to issue \$2, \$3 and \$5 wildlife lottery game tickets to benefit the Maine Outdoor Heritage Fund, in addition to the \$1 wildlife tickets currently issued. The bill proposes to establish requirements for lottery agents regarding the sale of wildlife lottery tickets based on the number of different instant tickets the agent offers for each dollar denomination of ticket. The bill also proposes to require the commission to use a portion of revenues from the sale of wildlife lottery tickets to promote the sale of those tickets.

**LD 625**

**An Act Regarding the Sale of Hard Cider**

**PUBLIC 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEIDRICH MAYO	OTP	

LD 625 proposed to specify that hard cider may be sold under a malt liquor license. Under current law, hard cider is sold by licensees with a wine license, and hard cider is taxed under a malt liquor product category.

***Enacted Law Summary***

Current law states that hard cider may be sold by a retail liquor licensee who has a license to sell wine. Under current law, hard cider is taxed under a malt liquor product category. Public Law 2003, chapter 68 specifies that hard cider may be sold under a malt liquor license.

**LD 640**

**RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS GAGNON		

LD 640, which has been carried over to the Second Regular Session, is a constitutional resolution that proposes to reduce the voting age qualifications by 12 months, subject to approval at referendum.

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**LD 642**                      **An Act To Ensure the Economic Viability of the Harness Racing Industry**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER PENDLETON		

LD 642, which was carried over to the Second Regular Session, proposes to expand wagering opportunities at racetracks in the State. It proposes to authorize the sale of pari-mutuel pools on live, simulcast or replayed horse races by commercial tracks and to authorize commercial tracks to conduct high-stakes beano.

**LD 656**                      **An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROWNE MAYO		

LD 656 which was carried over to the Second Regular Session, proposes to permit the Department of Public Safety, Bureau of Liquor Enforcement to license golf courses to serve liquor on courses from mobile service bars. The bill proposes to establish the annual license fee for a mobile service bar at \$100 and limit sales from a mobile service bar to just malt liquor. It would also require that a licensee ensure that malt liquor would be served to only those engaged in a round of golf and that the operator of a mobile service bar successfully complete an alcohol server education course approved by the Bureau of Liquor Enforcement within the Department of Public Safety. The bill also proposes to require that the bureau revoke a license for a mobile service bar for violation of the liquor laws or any rule adopted by the bureau. The bill would provide for the repeal of the mobile service bar license provisions on January 1, 2006.

**LD 659**                      **An Act To Standardize Reporting Requirements for State Party Committees' Expenditures and Contributions**                      **PUBLIC 302**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP-AM	H-301 H-329 MOODY

LD 659 proposed to standardize campaign finance reporting requirements by putting political action committees, party committees and disclosure of independent electioneering expenditures on the same reporting schedule. As proposed by this bill, persons making independent electioneering expenditures in races involving a Maine Clean Election Act candidate would be required to file additional reports on the same schedule as accelerated reports by candidates.

**Committee Amendment "A" (H-301)** proposed to strike the section of the bill that would create a specific schedule for any person, party committee, political committee or political action committee that makes an independent expenditure. It also proposed to amend the section of the bill that would create a specific schedule for

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party committees to file reports of contributions and expenditures by specifying that this schedule would only apply to state party committees.

**House Amendment "A" to Committee Amendment "A" (H-329)** proposed to require that political literature that is not authorized by a candidate must clearly and conspicuously state that the communication is not authorized by any candidate. This amendment proposed to specify the point size, font and typeface of this statement, as well as the exact words to be used.

### ***Enacted Law Summary***

Public Law 2003, chapter 302 creates a specific schedule for state party committees to file reports of expenditures and contributions. It also specifies the point size, font and type face of the disclaimer "not paid for or authorized by any candidate" where that disclaimer is required under current law.

**LD 674**                      **An Act To Require Winners of State and Congressional Elections to Receive a Simple Majority of the Total Vote**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON CLARK	ONTP	

LD 674 proposed to require that if no one candidate receives more than 50% of the votes in a race in a general election, a run-off election between the 2 candidates receiving the most votes in the original election must be conducted.

**LD 704**                      **An Act Relating to Harness Racing Laws**                      **PUBLIC 401  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN BRYANT	OTP-AM	H-397 H-479 CLARK

Current law specifies that the Department of Agriculture, Food and Rural Resources "take the lead" in developing state policy with respect to harness racing. LD 704 proposed instead to direct the department to cooperate with the State Harness Racing Commission in developing such state policy.

It also proposed to direct the State Harness Racing Commission to share the duty of reviewing racing-related statutes and rules on an ongoing basis and would require that the appointment of the executive director receive the commissioner's approval.

It proposed to identify the executive director's duty to report and recommend changes regarding harness racing as the work of the commission, rather than as the work of the department.

This bill proposed to repeal the provision requiring the establishment of trust accounts and instead would require the licensee to pay to an association of horsemen up to 1.5% of all amounts generated for the purpose of supplementing purses.

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It would also specify that if a commercial track ceases operation, a separate racetrack operated by the owner of the now-closed racetrack would be considered to be the same racetrack as the track that ceased operation.

It proposed to authorize the sale of common pari-mutuel pools for simulcast races and change the method of determining market area.

Finally, this bill proposed to require an applicant for an owner's license to provide proof of insurance of not less than \$300,000 on the applicant's horses.

**Committee Amendment "A" (H-397)** proposed to add an emergency preamble and emergency clause to the bill and clarify language regarding the role of the Harness Racing Commission in policy making and review of statutes governing the harness racing industry. It proposed to amend the bill by requiring that horsepersons pay up to 1 1/2% of supplemental purse money to an association of horsepersons. It also proposed to clarify language that would determine the market area for commercial racetracks and off-track betting facilities. The amendment would also make the requirement for horse owners liability insurance effective January 1, 2004.

**House Amendment "A" (H-479)** proposed to specify that the presiding judge and associate judges appointed by the State Harness Racing Commission would be deemed to be employees of the State for purposes of the Maine Tort Claims Act. The amendment also proposed to specify that the Harness Racing Promotional Board and its employees would be considered a state agency for purposes of the Maine Revised Statutes, Title 5, section 191, which directs the Attorney General's office to appear for state agencies in civil actions and proceedings.

### *Enacted Law Summary*

Public Law 2003, chapter 401 does the following:

1. It directs the department to work in conjunction with the State Harness Racing Commission in developing State harness racing policy. Current law specifies that the Department of Agriculture, Food and Rural Resources "take the lead" in developing state policy with respect to harness racing;
2. It directs the State Harness Racing Commission to share the duty of reviewing racing-related statutes and rules on an ongoing basis and requires that the appointment of the executive director receive the commissioner's approval;
3. It identifies the executive director's duty to report and recommend changes regarding harness racing as the work of the commission, rather than as the work of the department;
4. It repeals the provision requiring the establishment of trust accounts and instead requires the licensee to pay to an association of horsemen up to 1.5% of all amounts generated for the purpose of supplementing purses;
5. It specifies that if a commercial track ceases operation, a separate racetrack operated by the owner of the now-closed racetrack is considered to be the same racetrack as the track that ceased operation;
6. It authorizes the sale of common pari-mutuel pools for simulcast races;
7. It clarifies the method of determining market area for commercial race tracks and off-track betting facilities; and;

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8. It specifies that the presiding judge and associate judges appointed by the State Harness Racing Commission are deemed to be employees of the State for purposes of the Maine Tort Claims Act. The amendment also specifies that the Harness Racing Promotional Board and its employees are considered a state agency for purposes of the Maine Revised Statutes, Title 5, section 191, which directs the Attorney General's office to appear for state agencies in civil actions and proceedings.

Public Law 2003, chapter 401 was enacted as an emergency measure effective June 3, 2003.

**LD 730**

**Resolve, Allowing Christy Reposa To Sue the State**

**RESOLVE 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM MAJ	H-356
	ONTP MIN	H-383 TWOMEY

LD 730 proposed to authorize Christy Reposa and Michaela Corbin-Bumford to sue the State for damages resulting from alleged wrongful removal of a child from their respective homes.

**Committee Amendment "A" (H-356)** replaced the resolve. The amendment proposed to authorize Christy Reposa and John Wagg, the parents of Logan Marr, to sue the State under the State's wrongful death laws. The amendment clarified that the resolve authorizes suit against the Department of Human Services and constitutes a waiver of the State's defense of immunity under the Maine Tort Claims Act. The amendment also clarified that the maximum amount of recovery is \$400,000, including costs, interest and punitive damages.

**House Amendment "A" to Committee Amendment "A" (H-383)** proposed to remove the authority for John Wagg to sue the Department of Human Services. The amendment also proposed to require that the proceeds of any recovery by Christy Reposa in her suit against the Department of Human Services, not including costs and reasonable attorney's fees as determined by the court, must be deposited with a 3rd-party trustee determined by counsel for Christy Reposa, subject to approval by the court, and disbursed only to pay for postsecondary educational expenses for a sibling of Logan Marr. If these proceeds so deposited are not disbursed to pay for postsecondary educational expenses for a sibling of Logan Marr, they must be deposited in the Victims' Compensation Fund established in the Maine Revised Statutes, Title 5, section 3360-H and, notwithstanding Title 5, chapter 316-A, used only for the payment of claims arising under Title 5, chapter 316-A based on a crime against a person who has not attained 18 years of age.

***Enacted Law Summary***

Resolve 2003, chapter 86 authorizes Christy Reposa, the parent of Logan Marr, to sue the State under the State's wrongful death laws. The law provides that the proceeds of any recovery by Christy Reposa in her suit against the Department of Human Services, not including costs and reasonable attorney's fees as determined by the court, must be deposited with a 3rd-party trustee determined by counsel for Christy Reposa, subject to approval by the court, and disbursed only to pay for postsecondary educational expenses for a sibling of Logan Marr.

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**LD 754**                      **An Act To Allow Public Office Candidates To Campaign in State-funded University Dormitories**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS DOUGLASS	ONTP	

LD 754 proposed to allow a candidate for public office to campaign in a dormitory of the University of Maine System, the Maine Technical College System or the Maine Maritime Academy.

**LD 757**                      **An Act To Provide Voting Rights to Nonresident Taxpayers**                      **ONTP**

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

LD 757 proposed to enable nonresident property owners to vote on municipal budget issues.

**LD 802**                      **An Act To Clarify Maine Election Laws**                      **ONTP**

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

LD 802 proposed to amend the law regarding the recount process by stating under what circumstances a ballot in a recount may be disputed. The bill also proposed to provide criteria by which the Secretary of State would make disputed ballots public and proposed to require that the identity of the voter who cast the disputed ballot be protected. The bill also proposed to provide for a penalty for delaying the recount process.

**LD 816**                      **An Act To Amend the Laws Governing Raffles Conducted in Connection with a "Beano" Game**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY-HASKELL	ONTP      MAJ OTP-AM      MIN	

LD 816 proposed to provide that a "50/50" raffle may be conducted during the period of one hour before the conduct of a "beano" game. The bill also proposed to provide that the "beano" equipment may be used in connection with the "50/50" raffle.

**Committee Amendment "A" (H-345)** was the minority report and proposed to replace the bill and was the minority report of the committee. The amendment proposed to permit an organization licensed to conduct "beano" to use "beano" equipment to conduct a 50/50 game. Under this proposed amendment, the maximum prize payout for a 50/50 game using "beano" equipment would have been \$1,000. The amendment also proposed to add an appropriation section. This amendment was not adopted.

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**LD 820**                      **An Act To Prohibit a Governmental Entity from Endorsing a Political Candidate or a Referendum Issue**                      **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 820 proposed to prohibit municipalities, county governments and quasi-municipal districts, including water and sewer districts, from endorsing campaigns for the passage or defeat of a referendum or political candidates. The bill proposed to prohibit these entities from making contributions to candidates or referendum campaigns. The bill also proposed to authorize the Commission on Governmental Ethics and Election Practices to set penalties for violating these prohibitions.

**LD 844**                      **An Act To Provide the Option To Nominate Presidential Candidates by Caucus**                      **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 844 proposed to provide political parties the option to nominate candidates for President of the United States by caucus rather than by primary election. The bill proposed to set forth the deadlines by which parties must notify the Secretary of State of the decision to nominate by caucus and of the party's nomination for President when using the caucus method.

**LD 859**                      **An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot**                      **ONTP**

<u>Sponsor(s)</u> SHIELDS NASS		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 859 proposed to require that ballots on direct initiative of legislation by the people of the State include a statement of the fiscal impact of the legislation on state revenues, appropriations or allocations. The bill proposed to authorize the Secretary of State to request assistance from the Office of Fiscal and Program Review in preparing the fiscal estimate.

**Committee Amendment "A" (H-228)** was the minority report and proposed to replace the bill. The amendment proposed to require that ballots on direct initiative legislation include a statement of the estimated fiscal impact of the legislation on state revenues, appropriations or allocations and to require that Office of Fiscal and Program Review to prepare the fiscal estimate. The amendment also proposed to specify that the validity of the direct initiative legislation is not affected by the validity of the fiscal estimate. This amendment was not adopted.



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**LD 910**                      **An Act To Promote Candidate Accountability in Elections**                      **ONTP**

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 910 proposed to repeal the Maine Clean Election Act. This bill proposed to limit the expenditures a candidate may make in an election and proposed to include all expenditures made on behalf of the candidate as well as by the candidate. It also proposed to require the candidate to personally authorize all expenditures made on the candidate's behalf by any person, organization or committee. Under the proposed bill, fines for violations of the provisions of this bill would include a \$50 fine for every dollar over the limit a candidate may spend and a fine of \$5,000 for a person, organization or committee making an expenditure without the candidate's consent, with a second offense and subsequent offenses resulting in a \$15,000 fine and, if the offender is a political action committee, revocation of the right to operate in the State.

**LD 915**                      **An Act Regarding Gaming Conducted by Nonprofit Organizations**                      **ONTP**

<u>Sponsor(s)</u> JENNINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 915 proposed to provide that a licensee who is licensed to operate games of chance may operate those games of chance in more than one location at the same time.

**LD 929**                      **An Act To Specify the Size and Typeface of Disclaimers on Political Literature Not Authorized by a Candidate**                      **ONTP**

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Current law requires that political literature that is not authorized by a candidate must clearly and conspicuously state that the communication is not authorized by any candidate. LD 929 proposed to specify the point size and typeface of this statement, as well as the exact words to be used.

**LD 935**                      **An Act To Abolish Term Limits for Legislators**                      **ONTP**

<u>Sponsor(s)</u> SUSLOVIC GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 935 proposed a referendum to be held in November 2003 that would repeal term limits for Legislators and limit the terms of legislative committee chairs to 3 legislative bienniums, in the same way that terms are limited for legislative leadership.

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**LD 980**

**An Act To Amend the Laws Governing the Qualification of Candidates**

**PUBLIC 270**

<u>Sponsor(s)</u> NASS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-108
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LD 980 proposed to prohibit a candidate from switching political parties while a candidate for office during an election cycle. It also proposed to specify that a candidate is not eligible for certification as a participating candidate under the Maine Clean Election Act if that candidate has run as a nonparticipating candidate during the same election cycle.

**Committee Amendment "A" (S-108)** proposed to replace the bill. The amendment proposed to specify that a candidate is not eligible for certification as a Maine Clean Election Act candidate if the candidate has run for the same office as a nonparticipating candidate in a primary election in the same election year.

***Enacted Law Summary***

Public Law 2003, chapter 270 specifies that a candidate is not eligible for certification as a Maine Clean Election Act candidate if the candidate has run for the same office as a nonparticipating candidate in a primary election in the same election year.

**LD 981**

**An Act To Ensure Segregation of Spoiled, Defective and Void Ballots**

**PUBLIC 298**

<u>Sponsor(s)</u> GAGNON CLARK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-129
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LD 981 proposed to require that spoiled ballots be packaged and returned in a segregated, labeled envelope.

**Committee Amendment "A" (S-129)** proposed to replace the bill and require that spoiled, defective and void ballots be segregated in labeled envelopes and packaged and returned according to the requirements for other ballots and voting materials. The Secretary of State would provide each municipal clerk with either an instructional label for each type of segregated ballot envelope or a specially printed envelope containing the label and instructions.

***Enacted Law Summary***

Public Law 2003, chapter 298 requires that spoiled, defective and void ballots be segregated in labeled envelopes and packaged and returned according to the requirements for other ballots and voting materials. Under this law, the Secretary of State shall provide each municipal clerk with either an instructional label for each type of segregated ballot envelope or a specially printed envelope containing the label and instructions.

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**LD 1008**                      **An Act To Clarify When Notice is Effective to Terminate a Tenancy at Will**                      **PUBLIC 296**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP      MAJ	
DAGGETT	ONTP    MIN	

LD 1008 proposed to clarify that a tenant is entitled to occupancy through the date for which rent has been paid, but a notice to vacate on any day after such a date will still be effective so long as it is given at least 30 days in advance. Current law requires the 30 days' notice to expire upon the date rent is due.

***Enacted Law Summary***

Public Law 2003, chapter 296 clarifies that a tenant is entitled to occupancy through the date for which rent has been paid, but a notice to vacate on any day after such a date will still be effective so long as it is given at least 30 days in advance.

**LD 1021**                      **Resolve, To Renew the Veterans' Emergency Assistance Program**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS		

LD 1021, which has been carried over to the Second Regular Session, proposes to direct the Bureau of Maine Veterans' Services to administer the veterans' emergency assistance program for fiscal year 2003-2004 and proposes to appropriate money from the General Fund for the program.

**Committee Amendment "A" (S-74)**, which was not adopted, proposed to add a fiscal note to the bill. This was the committee report when the bill was reported out. The bill was subsequently committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over.

**LD 1022**                      **An Act To Allow Petitions for Protection of Rental Property and Tenants Based on Actions by Guests or Dangerous Pets**                      **PUBLIC 265**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM    MAJ	S-123
CLARK	ONTP      MIN	

LD 1022 proposed to allow a landlord to issue to a tenant a notice to quit the premises if the tenant, a guest or pet of the tenant is causing or threatening damage to property or bodily injury to a person on the premises. The notice to quit the premises takes effect 24 hours after it is physically posted on the premises or 3 days from its posting if the notice is delivered by mail.

**Committee Amendment "A" (S-123)** replaced the bill. The amendment proposed to allow a landlord to file petitions for the protection of rental property or tenants when the landlord, landlord's employee or agent, rental

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property or tenants have experienced harm or have been threatened with harm by a guest or invitee of a tenant or a dangerous pet on the premises.

### Enacted Law Summary

Public Law 2003, chapter 265 allows a landlord to file petitions for the protection of rental property or tenants when the landlord, landlord's employee or agent, rental property or tenants have experienced harm or have been threatened with harm by a guest or invitee of a tenant or a dangerous pet on the premises.

**LD 1027**                      **Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE		

LD 1027, which was carried over to the Second Regular Session, proposes to direct the Commission on Governmental Ethics and Election Practices to adopt routine technical rules regarding automated telephone calls and mass mailings in the 2 weeks before an election. The resolve proposes to require a candidate or political action committee, or any other entity required to file with the commission regarding expenditures, to provide a transcript of the telephone call or copy of the mailing to the commission before the automated telephone call is made or the mass mailing is distributed. It also proposes to require that the commission make the transcript of the telephone call or copy of the mailing available for public inspection.

**Committee Amendment "A" (H-230)** proposed to change the rule designation from "routine technical" to "major substantive." This was the majority report when the bill was reported out of committee. The bill was subsequently sent back to the committee and carried over.

**LD 1057**                      **An Act To Allow a Worker at a Beano Game To Play the Cards of a Player Who Takes a Restroom Break**                      **PUBLIC 353**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK BRYANT	OTP-AM    MAJ ONTP        MIN	H-404

LD 1057 proposed to allow a person conducting or assisting in the conduct of beano to assist a player by playing that player's cards while the player takes a restroom break.

**Committee Amendment "A" (H-404)** proposed to specify that the section proposed by the original bill does not apply to the conduct of high-stakes beano.

**House Amendment "A" (H-462)**, which was not adopted, proposed to allow a person conducting or assisting in the conduct of beano to assist a player by playing that player's cards while the player takes a smoking break.

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**Enacted Law Summary**

Public Law 2003, chapter 353 allows a person conducting or assisting in the conduct of beano to assist a player by playing that player's cards while the player takes a restroom break.

This law does not apply to the conduct of high-stakes beano.

**LD 1068**                      **Resolve, Directing the Bureau of Veterans' Services To Provide Assistance To Obtain Information Regarding Maine Members of the United States Armed Forces Presumed Lost or Deceased**                      **RESOLVE 43**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-269
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LD 1068 proposed to require the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to maintain and update a roster of all Maine members of the United States Armed Forces who are presumed lost or deceased during their service, regardless of whether the presumed loss or death occurred in operations during a recognized period of war or conflict.

**Committee Amendment "A" (H-269)** proposed to replace the bill with a resolve. The amendment proposed to require the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services to assist individuals in obtaining information regarding Maine members of the United States Armed Forces who are presumed lost or deceased during their active military service. The amendment proposed to add a fiscal note.

**Enacted Law Summary**

Resolve 2003, chapter 43 requires the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services to assist individuals in obtaining information regarding Maine members of the United States Armed Forces who are presumed lost or deceased during their active military service.

**LD 1115**                      **An Act To Prohibit a Maine Clean Election Act Candidate from Running for More than One Office**                      **ONTP**

<u>Sponsor(s)</u> SIMPSON PENDLETON		<u>Committee Report</u> ONTP      MAJ OTP      MIN		<u>Amendments Adopted</u>
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LD 1115 proposed to prohibit a candidate from being certified as a Maine Clean Election Act candidate if that candidate is running for more than one office.

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**LD 1144**                      **An Act To Clarify the Maine Clean Election Act**                      **ONTP**

<u>Sponsor(s)</u> BRUNO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1144 proposed to remove the provision in the election laws requiring a person making an independent expenditure in an election to indicate whether a candidate had knowledge of that expenditure and to clarify that expenditures made before a primary election would not be subject to Maine Clean Election Act matching funds for the general election, regardless of the purpose of the expenditure.

**LD 1162**                      **An Act To Prohibit the Use of Clean Election Funding for Candidates Who Lose in Primaries**                      **ONTP**

<u>Sponsor(s)</u> SUSLOVIC NASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1162 proposed to specify that a Maine Clean Election Act candidate who loses a primary election may not be certified under the Maine Clean Election Act in the general election and must transfer all unspent campaign funds to the Maine Clean Election Fund.

**LD 1180**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Judicial Advisory Opinion Mechanism in Disputed Election Results for Members of the Maine Senate and House of Representatives**                      **ONTP**

<u>Sponsor(s)</u> BLAIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1180 proposed to establish a mechanism whereby a candidate in a disputed election for a seat in the state Senate or House of Representatives may seek an advisory opinion from the Supreme Judicial Court for a determination of who it finds is the apparent winner. Under the proposed bill, the chamber in which the dispute exists could not transact any business until the opinion is rendered.

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LD 1196

**An Act To Clarify the Definition of Independent Expenditures  
Under the Election Laws**

**PUBLIC 448**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ	S-205
CLARK	OTP-AM MIN	

LD 1196 proposed to repeal current law regarding independent expenditures in political campaigns and replace it with new language would state that in races involving a Clean Election Act candidate, any communication depicting or naming a clearly identified candidate would be presumed to be an independent electioneering expenditure. Such an expenditure would be considered "express advocacy" and would trigger strict reporting requirements. The bill proposed to provide a process for a person making such an expenditure to rebut the presumption that it would be considered "express advocacy."

**Committee Amendment "A" (S-205)** was the majority report and proposed to replace the bill. It proposed to expand the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate by stating that an expenditure made for a communication that names or depicts a clearly identified candidate that is made 21 days before a primary or general election would be considered an independent expenditure. Such an expenditure would be considered "express advocacy" and trigger strict reporting requirements. Reporting requirements for this provision would be required after \$100 is spent on such an expenditure. It proposed to clarify which expenditures trigger matching funds under the Maine Clean Election Act.

**Committee Amendment "B" (S-206)** was the minority report and proposed to replace the bill. It proposed to expand the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate by stating that an expenditure made for a communication that names or depicts a clearly identified candidate that is made 30 days before a primary or general election would be considered an independent expenditure. Such an expenditure would be considered "express advocacy" and trigger strict reporting requirements. Reporting requirements for this provision would be required after \$250 is spent on such an expenditure. It proposed to clarify which expenditures trigger matching funds under the Maine Clean Election Act. This amendment was not adopted.

***Enacted Law Summary***

Public Law 2003, chapter 448 amends the election laws governing independent expenditures by expanding the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate. It states that in races involving a Maine Clean Election Act candidate, an expenditure made that names or depicts a clearly identified candidate made 21 days before a primary or general election is considered an independent expenditure. Under current law, independent expenditures trigger reporting requirements that may result in matching funds being distributed to a Maine Clean Election Act candidate. Reporting requirements for this law would be required after \$100 is spent on such an expenditure. This law provides for a person to rebut that the expenditure made was an independent expenditure by stating that it was not made to influence the nomination, election or defeat of a candidate.



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**LD 1254**                      **An Act To Change the Maine Clean Election Laws**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	ONTP	

LD 1254 proposed to prohibit anyone other than a candidate or a candidate's authorized political committee from sending political communications by mail either for or against a candidate if all of the candidates in the election are certified candidates under the Maine Clean Election Act.

**LD 1267**                      **An Act To Raise the Revenues of Agency Liquor Stores by 5%  
from the Sale of Liquor**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY G STRIMLING	ONTP	

LD 1267 proposed to provide that, beginning July 1, 2005, an agency liquor store would be required to sell all spirits and fortified wine purchased from the State Liquor and Lottery Commission at a price equal to the retail price established by the commission plus 5% of that retail price.

**LD 1268**                      **An Act To Ensure Fairness in Elections**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KETTERER	ONTP      MAJ OTP-AM      MIN	

LD 1268 proposed to clarify that expenditures reported during a primary campaign that are used for campaign-related activities during a general election campaign would be general election expenditures for the purposes of distributing matching funds to a Maine Clean Election Act candidate. The bill was proposed in response to "Collins v. Ethics Commission," Docket No. AP02-57, Cumberland County Superior Court.

**Committee Amendment "A" (H-438)** proposed to specify the types of communication expenditures that trigger matching funds. Those expenditures are reported paid for during the primary election cycle, but used during the general election would trigger matching funds for a Clean Election Act candidate during the general election. This amendment was not adopted.

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**LD 1272**                      **An Act To Specify the Political Party of Contributors of Qualifying Contributions and To Require a Candidate Funded under the Maine Clean Election Act To Receive a Certain Level of Support in Order To Receive Public Funding in the Future**                      **ONTP**

<u>Sponsor(s)</u> PERRY J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1272 proposed to require that qualifying contributions for certification as a Maine Clean Election Act candidate be provided by registered voters who are enrolled as members of the candidate's political party. The bill also proposed to establish minimum numbers of qualifying contributions necessary for candidates who are not enrolled in a qualified political party. This bill further proposed to prohibit a person from receiving Maine Clean Election Act revenue if the person received such revenue when a candidate for the same office in a prior election and the person failed to receive at least 15% of the total votes cast for that office in the prior election.

**LD 1273**                      **An Act To Extend Term Limits**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> PINGREE GAGNON		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u>
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LD 1273 proposed to extend the number of years of service authorized under the term limits law from 8 to 12 for Legislators, the Secretary of State, the Treasurer of State and the Attorney General and from 8 to 12 for the State Auditor. The bill also proposed to require that the voters of the State vote on this matter at the statewide election to be held in the year 2003.

**Committee Amendment "A" (H-442)** proposed to change the referendum question posed by the bill and would have applied to terms that began after December 1, 2002. This amendment was not adopted.

**House Amendment "A" (H-509)** proposed to limit the extension of term limits to those officials or officers who are not currently serving in that same position. Under the proposed amendment, a person who was elected to an office prior to December 1, 2004 would still be subject to a limit of 4 consecutive terms, or 2 consecutive terms for the State Auditor. This amendment also proposed to change the referendum question to reflect this limitation. This amendment was not adopted.

**House Amendment "A" to Committee Amendment "A" (H-510)** proposed to limit the extension of term limits to those elected officials or constitutional officers who are not currently serving in that same position. Under the proposed amendment, a person who was elected to an office prior to December 1, 2004 would still be subject to a limit of 4 consecutive terms, or 2 consecutive terms for the State Auditor. This amendment also proposed to change the referendum question to reflect this limitation. This amendment was not adopted.

**House Amendment "B" (H-544)** proposed to change the timing of the referendum to the general election held in November 2004. This amendment also proposed to clarify that the extension of term limits applies to those elected to office beginning with the 122nd Legislature. This amendment was not adopted.

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**House Amendment "C" (H-597)** Under this proposed amendment, the term limits in current law would not change for the Secretary of State, Treasurer of State, Attorney General and State Auditor elected or reelected to office beginning with the 122nd Legislature. This amendment was not adopted.

**Senate Amendment "A" (S-305)** proposed to clarify the referendum question and specify that the extension of term limits would apply only to Legislators. Under this proposed amendment, the term limits in current law would not change for the Secretary of State, Treasurer of State, Attorney General and State Auditor elected or reelected to office beginning with the 122nd Legislature. This amendment was not adopted.

**Senate Amendment "A" to Senate Amendment "A" (S-308)** proposed to clarify the referendum question and specify that the extension of term limits would apply only to Legislators, beginning with those Legislators first elected or reelected to nonconsecutive terms of office beginning with the 122nd Legislature. This amendment was not adopted.

**Senate Amendment "B" (S-314)** proposed to clarify that the extension of term limits proposed in the bill, as amended, does not apply to those Legislators who were elected to their offices in the 118th Legislature and who are still serving in those offices. The effect of this amendment would have been to continue the ineligibility of any Legislator who would be unable to run for that same office in 2004 under the current law. This amendment also proposed to change the referendum question to reflect this limitation. This amendment was not adopted.

**Senate Amendment "A" to Senate Amendment "B" (S-316)** proposed to clarify the referendum question and specify that the extension of term limits would apply only to Legislators. Under this proposed amendment, the term limits in current law would not change for the Secretary of State, Treasurer of State, Attorney General and State Auditor elected or reelected to office beginning with the 122nd Legislature. This amendment was not adopted.

**LD 1274**                      **An Act To Promote Maine's Brewing Industry**                      **ONTP**

<u>Sponsor(s)</u> DUDLEY STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1274 proposed to allow an off-premises retail licensee that stocks 75% of the available inventory of Maine-brewed malt liquor to conduct beer tastings. Current law allows certain off-premises retail licensees to conduct wine tastings.

**LD 1281**                      **An Act to Allow Shipment of Wine By Mail**                      **ONTP**

<u>Sponsor(s)</u> BENNETT R CLARK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1281 proposed to allow an in-state or out-of-state alcoholic beverage producer supplier, importer, wholesaler distributor, retailer or farm winery to ship via mail up to 24 1.5 liter bottles of wine per month directly to a person who is 21 years of age or older for that person's personal use.

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**LD 1283**                    **An Act To Allow County Candidates To Run as Clean Election Candidates**                    **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH TWOMEY	ONTP	

LD 1283 proposed to allow candidates for county office to run as participating candidates under the Maine Clean Election Act.

**LD 1284**                    **An Act To Extend Term Limits from 8 Years to 14 Years**                    **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH GERZOFSKY	ONTP	

LD 1284 proposed to extend the number of years of service authorized under the term limits law from 8 to 14 for Legislators.

**LD 1300**                    **An Act Regarding the Presence of a Candidate at a Polling Place on Election Day**                    **ONTP**

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

LD 1300 proposed to limit a candidate's activities at a polling place to voting and to prohibit a candidate or candidate's surrogate from loitering at or within 250 feet of the polling place.

**LD 1308**                    **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Appearance of Referenda on Ballots at General Elections**                    **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM LEMONT	OTP-AM    MAJ ONTP        MIN	

LD 1308 was a constitutional resolution that proposed to require that, except for citizen's initiatives and people's vetoes, referendum questions appear on the ballot at general elections only.

**Committee Amendment "A" (H-300)** was the majority report. It proposed to require that referendum questions, except for people's vetoes and questions that 2/3 of the Legislature have declared to be emergencies, appear on the ballot at a statewide election in November. This amendment was not adopted.

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**LD 1310**

**An Act To Improve the Clean Election Option for Gubernatorial Candidates**

**PUBLIC 453**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS DAGGETT	OTP-AM	H-450

LD 1310 proposed to amend the Maine Clean Election Act by providing that, for a gubernatorial participating candidate, the qualifying period begins June 1st, instead of November 1st. It would increase the number of qualifying contributions to become a Maine Clean Election Act gubernatorial candidate required from 2,500 to 3,500. This bill would specify that for gubernatorial primary elections, the amount of revenues distributed is the average amount of campaign expenditures made by candidates who received more than 5% of the vote based on the preceding 4 primary elections. Finally, this bill would specify that for gubernatorial general elections, the amount of revenues distributed is the average amount of campaign expenditures made by candidates who received more than 5% of the vote based on the preceding 4 general elections.

**Committee Amendment "A" (H-450)** proposed to replace the original bill and proposed to substitute the current funding formula for gubernatorial candidates that run under the Maine Clean Election Act with flat funding. Under this amendment, gubernatorial candidates would receive initial distributions of \$200,000 for primary elections and \$400,000 for general elections.

***Enacted Law Summary***

Public Law 2003, chapter 453 replaces the current funding formula for gubernatorial candidates that run under the Maine Clean Election Act with flat funding. Under this law, gubernatorial candidates receive initial distributions of \$200,000 for primary elections and \$400,000 for general elections.

**LD 1336**

**An Act to Strengthen the Governmental Ethics Laws**

**PUBLIC 268**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP-AM MAJ ONTP MIN	H-267

LD 1336 proposed to require a Legislator to disclose the identity of all organizations in which the Legislator or a member of the Legislator's immediate family is affiliated through ownership or service and to require a Legislator to disclose ownership of real property in the State. The bill proposed to prohibit a Legislator from bypassing the bidding process when entering into a contract with a governmental agency or department. The bill also proposed to establish a civil penalty of \$10 for late or incomplete filings required by the Commission on Governmental Ethics and Election Practices.

**Committee Amendment "A" (H-267)**, the majority report, proposed to replace the bill. The amendment proposed to prohibit a Legislator or an organization in which a Legislator or Legislator's spouse is associated through ownership or service from contracting with a state governmental agency outside the competitive bidding process. The law proposed to require a Legislator to disclose any bid made by the Legislator or associated organization on a contract with a state governmental agency. The amendment also proposed to establish a civil penalty of \$10 per day for late or incomplete filings required by the Commission on Governmental Ethics and Election Practices. The amendment proposed to add a fiscal note.

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### Enacted Law Summary

Public Law 2003, chapter 268 prohibits a Legislator or an organization in which a Legislator or Legislator's spouse is associated through ownership or service from contracting with a state governmental agency outside the competitive bidding process. The law requires a Legislator to disclose any bid made by the Legislator or associated organization on a contract with a state governmental agency. The law also establishes a civil penalty of \$10 per day for late or incomplete filings required by the Commission on Governmental Ethics and Election Practices.

**LD 1339**                      **An Act To Amend the Laws Governing Campaign Finance**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON		

LD 1339, which was carried over to the Second Regular Session, proposes to amend the campaign finance laws by requiring a political advertisement broadcast on television or radio to contain an image, if on television, and statement regarding the sponsorship of the ad spoken by the candidate, treasurer of the candidate's authorized political committee, candidate's party committee or their agents or, if sponsored by a political action committee, the chief decision maker or treasurer of that political action committee or, if sponsored by an individual without any connection to the candidate or political action committee, that individual. It also proposes to define a payment made to a 3rd party, not an employee of the candidate, candidate's political committee or party committee or political action committee, as an expenditure for the purposes of reporting and requiring expenditures made to that person to be itemized by the amount, reason and date of the expenditure. Finally, the bill proposes to require reports made by candidates, political action committees and independent expenditures regarding contributions to contain, in addition to the name of the contributor, the occupation and place of business of the contributor. This requirement already exists for party committees.

**LD 1348**                      **An Act To Require Candidates Who Are Not Maine Clean Election Act Candidates To Report All Sources of Funding**                      **ONTP**

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

LD 1348 proposed to require more detailed campaign finance reporting for candidates running against Maine Clean Election Act candidates. The bill proposed to require that candidate provide detail on the sources of contributions and obligations and indicate the purpose for and recipient of expenditures. The bill also proposed to require that the contribution and expenditure reports due to be filed with the Commission on Governmental Ethics and Election Practices 2 weeks prior to an election be filed within 24 hours of the contribution or expenditure that triggers the report.

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**LD 1349**

**An Act Concerning Recognition of Qualified Political Parties**

**INDEF PP**

Sponsor(s)  
EDER

Committee Report  
OTP-AM

Amendments Adopted

LD 1349 proposed to allow a recognized political party to maintain its qualified status by either receiving 5% of the ballots cast for Governor or President in either of the 2 preceding general elections or maintaining an enrollment of members equal to 0.5% of all registered voters in the State.

**Committee Amendment "A" (H-379)** proposed to replace the bill. The amendment proposed to replace the current system of requirements for gaining and maintaining recognition as a qualified political party with a system based on enrollment of 15,000 voters. The amendment proposed to require a recognized political party to maintain an enrollment of 15,000 voters in order to maintain its qualified status. The amendment proposed to require a political party to enroll 15,000 voters to obtain qualified status. The amendment also proposed to repeal the provisions of law that allow a party to obtain qualified status by organizing around a candidate who received 5% of the vote for Governor or President and to repeal the provisions of law that allow a party to obtain qualified status by filing a petition with the signatures and legal addresses of voters equal in number to at least 5% of the total vote cast in the State for Governor at the last preceding gubernatorial election. The amendment proposed to add a fiscal note to the bill. This amendment was not adopted.

**LD 1354**

**An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations**

**CARRIED OVER**

Sponsor(s)  
THOMPSON  
GAGNON

Committee Report

Amendments Adopted

LD 1354, which was carried over to the Second Regular Session, proposes to allow operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Under this bill, organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections would be able to apply for an initial license while they seek the required federal tax status. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

As proposed by this bill, video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals.

As proposed by this bill, the license specifies the number of terminals allowed on the premises, and the maximum number of terminals allowed would be 5 per licensee. Terminals would be required to be licensed by the Chief of the State Police and would be required to be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services.

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By the end of a 5-year phase-in period, this computer system would be required to provide continuous on-line monitoring of video gaming terminal activity. Persons under 21 years of age would not be allowed to use the machines. Only members of the organization and their guests are allowed to play. The maximum dollar amount proposed by this bill for each play is \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

This bill proposed that net terminal income, which would be income after payback to players, would be divided as follows: 8% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and Public Education Fund revenue; 2% to the Compulsive Gambler Rehabilitation Fund; and 90% to the licensee.

Licenses would be issued for one year. Applicants for an initial license would be required to pay the actual costs of processing the application and performing the background investigation.

**Committee Amendment "A" (H-546)** proposed to restrict the types of nonprofit organizations eligible for a license to operate video gaming terminals. It proposed to remove from eligibility organizations that are exempt from federal tax under Internal Revenue Code, Sections 501(c)(3) and 501(c)(4). It would maintain organizations that would be eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

Under this amendment, video lottery terminals operated by organizations licensed under this amendment would be required to be owned or leased by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. Video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals. The amendment proposed to specify that local approval would be required for renewal of a license to operate video gaming terminals and that municipal decisions are subject to appeal to the Chief of the State Police in accordance with the Maine Administrative Procedure Act.

The license proposed by this amendment would specify the number of terminals allowed on the premises; the maximum number of terminals allowed would be 5 per licensee. Terminals would be required to be licensed by the Chief of the State Police and would be required to be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations. Persons under 21 years of age would not be allowed to use the machines. The amendment proposed to specify that if an organization's liquor license is suspended, the license to operate video gaming terminals would also be suspended until the liquor license is reinstated. Only members of the organization and their guests would be allowed to play. As proposed, the maximum dollar amount for each play would be \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which would be income after payback to players, would be divided among the state, the municipalities, a compulsive gambling fund for prevention and treatment of compulsive gambling and the charitable organization. Two percent of the net terminal income would go to the Compulsive Gambler Rehabilitation Fund and 75% to the licensee. Twenty-three percent of the income would go to the State for payment into the Video Gaming Fund for administrative expenses not to exceed 2%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the municipalities that host the organizations that operate video lottery

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terminals. Host municipalities would receive their share in proportion to the amount of revenue that would be generated by video gaming terminals in their municipality.

Under this amendment, licenses would be issued for one year. The amendment proposed to reduce the fees proposed by the bill. It proposed that the license fee per terminal be \$500, and for wholesalers, manufacturers and operators, the fee would be \$3,500. Applicants for an initial license would be required to pay the actual costs of processing the application and performing the background investigation.

The amendment also proposed to specify that any rules put forth by the Bureau of Alcoholic Beverages and Lottery Operations and the Chief of the State Police to administer and enforce the laws related to video gaming by nonprofits would be major substantive rules.

The amendment also proposed to add an appropriations and allocations section.

The amendment was the majority report when the bill was reported out of committee. The bill was subsequently sent back to the committee and carried over.

**LD 1361**

**An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State**

**UNSIGNED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM MAJ	S-256
CLARK	ONTP MIN	

LD 1361 proposed to allow video lottery terminals to be placed at licensed commercial racetracks and licensed off-track wagering facilities in the State. Commercial tracks would be permitted to operate up to 1500 machines under this bill, while off-track betting facilities would be limited to 200. Terminal revenues would support the State's General Fund, harness racing purses, the Agricultural Fair Support Fund, the local municipalities where the terminals are located, the licensee and the prevention and treatment of problem gambling. Under this bill, enforcement and rule-making authority would be assigned to the Maine State Lottery Commission and the Maine State Police.

**Committee Amendment "A" to (S-256)** proposed to change the bill by striking a commercial racetrack as an entity eligible for a video lottery terminal license. If a commercial racetrack operates an off-track betting facility, that facility would be eligible to be licensed to operate video lottery terminals. Under the amendment, commercial racetracks would have first right of refusal for any new off-track betting facility license. Off-track betting facilities would still be eligible for video lottery terminal licenses under this amendment. Off-track betting facilities operated by commercial racetracks would be permitted to operate up to 600 machines while other off-track betting facilities would be limited to 200. Under this amendment, an off-track betting facility would be permitted to change its location within 10 miles of its current location with the consent of all off-track betting facilities and commercial racetracks within 50 miles. This amendment also proposed to add a fiscal note to the bill.

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**LD 1362**                      **An Act Regarding Disclosures Required on Advertising by Candidates**                      **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1362 proposed to clarify the information required to be disclosed on candidates' advertisements. Under the proposed bill, for a candidate participating in the Maine Clean Election Act, an advertisement would indicate that it is paid for with taxpayer funds. For a nonparticipating candidate, an advertisement would indicate that it is paid for by funds raised by the candidate.

**LD 1371**                      **An Act To Allow Slot Machines at Commercial Horse Racing Tracks**                      **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP      MAJ OTP      MIN		<u>Amendments Adopted</u>
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LD 1371, which was an initiated bill, proposed to allow the operation of slot machines by certain persons who are licensed to operate a commercial track. As proposed in the bill, a person under 21 years of age would be prohibited from playing a slot machine. The initiated bill proposed to provide for regulation of the operation of slot machines by the State Harness Racing Commission and the Executive Director of the State Harness Racing Commission within the Department of Agriculture, Food and Rural Resources. Under the proposed bill, gross income from slot machines, which is income after payback to players, would be divided as follows: 75% would be retained by the person licensed to operate the slot machines; 10% would be required to be sent to the State Controller to be credited directly to the Fund for a Healthy Maine with its use restricted to providing financial assistance with prescription drugs for adults who are elderly or disabled; 7% would be required to be sent to the State Harness Racing Commission to be used to supplement harness racing purses; 3% would be required to be forwarded to the Treasurer of State who shall credit the money to the Agricultural Fair Support Fund; 2% would be required to be forwarded to the Finance Authority of Maine for application to its University of Maine System Scholarship Fund; 1% would be required to be sent to the commission for application to administrative expenses, including expenditures by the commission for addiction counseling services; 1% would be required to be sent to the board of trustees of the Maine Technical College System for application to its scholarship program and 1% would be required to be sent to the commission for application to its Sire Stakes Fund.

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**LD 1381**

**An Act To Regulate the Landlord-tenant Relationship**

**PUBLIC 259**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING SIMPSON	OTP-AM MAJ ONTP MIN	S-122

LD 1381 proposed to change the amount of time given to a tenant of a notice of a rent increase from 30 days' to 90 days' written notice if the increase is 10% or greater than the rent charged before the increase. It also required a 6-month notice if the increase is greater than 20% of the rent charged before the increase.

**Committee Amendment "A" (S-122)** is the majority report of the committee and replaced the bill. The amendment proposed to increase the amount of time given to a tenant of a notice of a rent increase from 30 days to 45 days.

***Enacted Law Summary***

Public Law 2003, chapter 259 increases the amount of time that a landlord must give a notice to a tenant of a rent increase from 30 days to 45 days.

**LD 1486**

**An Act To Comply with Federal Election Laws Including the Help America Vote Act of 2002**

**PUBLIC 407  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-178

LD 1486 proposed to make changes necessary to bring the Maine Revised Statutes, Title 21-A into compliance with the requirements of federal election laws, including the Help America Vote Act of 2002, HAVA, and the Uniformed and Overseas Citizens Absentee Voting Act, and would specify that the Secretary of State is responsible for overseeing the State's duties with respect to these Acts. The bill proposed to add or amend certain definitions relating to members of the uniformed service and overseas voters. It would also update existing sections of the election law with the new terms. The bill proposed to make changes to the voter registration application to add certain identifying information as required by HAVA. It would specify that in order for 17-year olds to preregister to vote, they must turn 18 years of age prior to the next election. It would also clarify what documentation must be retained in the voter registration file. The bill would also make a single, standard requirement for the number of voting booths needed for a general election for all municipalities and would require each voting place to have at least one voting booth that is accessible for persons with physical disabilities. This bill would replace the current requirements for instructions for the blank, write-in absentee ballots with authority for the Secretary of State to determine those instructions and clarify usage of the federal write-in absentee ballot. It would also streamline the process for recording absentee ballots issued by removing a duplicative requirement that the registrar certify the absentee ballot applications. The bill proposed to require municipal clerks to file a report with the Secretary of State indicating how many persons were issued and returned absentee ballots for each election; and further identifying the number of ballots that were issued to uniformed service voters and overseas voters.

**Committee Amendment "A" (S-178)** proposed to make the bill an emergency, and provide the Secretary of State with the necessary rule-making authority to adopt rules establishing the administrative complaint procedure required under Section 402 of the federal Help America Vote Act of 2002, HAVA. These rules would need to be in

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effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA. This amendment proposed to replace the section in the bill regarding absentee ballot applications for uniformed service voters and overseas voters. The new section would state that an absentee ballot application would be valid even if it is received more than 3 months prior to an election for a federal office and that the application would be valid for the next 2 regularly scheduled elections for federal office. The amendment proposed to add a new section to the bill that states that, if the courts have issued an order extending the time to close the polls, any ballots cast during that extended period must be challenged, segregated and counted separately from all other ballots. The amendment also proposed to add a new section regarding the use of blank write-in absentee ballots for uniformed service voters and overseas voters.

### *Enacted Law Summary*

Public Law 2003, chapter 407 makes changes necessary to bring the Maine Revised Statutes, Title 21-A into compliance with the requirements of federal election laws, including the Help America Vote Act of 2002, HAVA, and the Uniformed and Overseas Citizens Absentee Voting Act, and specifies that the Secretary of State is responsible for overseeing the State's duties with respect to these Acts. It adds or amends certain definitions relating to members of the uniformed service and overseas voters including a section regarding the use of blank write-in absentee ballots. The law makes changes to the voter registration application to add certain identifying information as required by HAVA. Chapter 407 specifies that in order for 17-year olds to preregister to vote, they must turn 18 years of age prior to the next election. It also clarifies what documentation must be retained in the voter registration file. The law also makes a single, standard requirement for the number of voting booths needed for a general election for all municipalities and requires each voting place to have at least one voting booth that is accessible for persons with physical disabilities. This law replaces the current requirements for instructions for the blank, write-in absentee ballots with authority for the Secretary of State to determine those instructions and clarifies usage of the federal write-in absentee ballot. The law also streamlines the process for recording absentee ballots issued by removing a duplicative requirement that the registrar certify the absentee ballot applications. Under this law, municipal clerks are required to file a report with the Secretary of State indicating how many persons were issued and returned absentee ballots for each election and further identify the number of ballots that were issued to uniformed service voters and overseas voters. Chapter 407 makes other changes to the provisions for absentee voting for the uniformed service voters and overseas voters that are consistent with current laws governing all other absentee voters. The law also states that, if the courts have issued an order extending the time to close the polls, any ballots cast during that extended period must be challenged, segregated and counted separately from all other ballots. Finally, this law provides the Secretary of State with the necessary rule-making authority to adopt rules establishing the administrative complaint procedure required under Section 402 of the federal Help America Vote Act of 2002, HAVA. These rules need to be in effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA.

Public Law 2003, chapter 407 was enacted as an emergency measure effective June 3, 2003.

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LD 1513

**An Act To Update the Department of Defense, Veterans and  
Emergency Management Laws**

**PUBLIC 404**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK MAYO	OTP-AM	H-468

LD 1513 proposed to allow a member of the Maine National Guard on active state service for more than 15 days to elect to be a member of the Maine State Retirement System after September 1, 1995 to elect to be a member of the Maine State Retirement System, pay contributions or have pick-up contributions made on or receive any service credit for the period from September 1, 1995. The bill proposed to allow the Adjutant General of the Maine National Guard to receive excess personal property from the United States Department of Defense for use by the Department of Defense, Veterans and Emergency Management. It proposed to clarify that an application for a stay of court or administrative proceeding by a military member does not constitute an appearance. The bill proposed to require that the certificate of release or discharge from active military duty filed with any state, local or county government be held confidential for a period of 75 years. It proposed to specify that the Governor may agree to hold harmless the Federal Government against claims arising from debris and wreckage removal relating to a major disaster or emergency. It also proposed to add 2 members to the River Flow Advisory Commission. Finally, the bill proposed to name the armory located in Caribou the Nelson J. Solman Armory.

**Committee Amendment "A" (H-468)** proposed to revise the provision of the bill regarding optional membership in the Maine State Retirement System for certain Maine National Guard members to clarify that election is irrevocable and to eliminate the retroactive purchase of retirement benefits that was included in the bill. The amendment also proposed to add a provision to the bill authorizing the Adjutant General to sell the Saco Armory. The amendment proposed to add a fiscal note to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 404 allows a member of the Maine National Guard on active state service for more than 15 days to elect to be a member of the Maine State Retirement System. The law allows the Adjutant General of the Maine National Guard to receive excess personal property from the United States Department of Defense for use by the Department of Defense, Veterans and Emergency Management. The law clarifies that an application for a stay of court or administrative proceeding by a military member does not constitute an appearance. The law requires that the certificate of release or discharge from active military duty filed with any state, local or county government be held confidential for a period of 75 years. The law specifies that the Governor may agree to hold harmless the Federal Government against claims arising from debris and wreckage removal relating to a major disaster or emergency. The law adds 2 members to the River Flow Advisory Commission. This law authorizes the Adjutant General to sell the armory located in Saco. Finally, the law names the armory located in Caribou the Nelson J. Solman Armory.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 1533

**An Act To Create the Maine National Guard Education Assistance Program**

**PUBLIC 488  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM	H-455 S-302 CATHCART

LD 1533 proposed to establish the Maine National Guard Education Assistance Program to provide tuition assistance to members of the Maine National Guard for postsecondary education.

**Committee Amendment "A" (H-455)** proposed to add an emergency preamble and emergency clause and to specify that the bill would apply retroactively to May 1, 2003 and would cover school terms beginning on or after May 1, 2003.

**Senate Amendment "A" to Committee Amendment "A" (S-302)** proposed to specify that the annual maximum General Fund money used for tuition benefits under the program could not exceed \$5,000.

***Enacted Law Summary***

Public Law 2003, chapter 488 establishes the Maine National Guard Education Assistance Program to provide tuition assistance to members of the Maine National Guard for postsecondary education. The law applies retroactively to school terms beginning on or after May 1, 2003.

Public Law 2003, chapter 488 was enacted as an emergency measure effective June 23, 2003.

LD 1536

**An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON		S-147

LD 1536 proposes to authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games.

**Committee Amendment "A" (S-147)** proposed to add a fiscal note to the bill. This was the committee report when the bill was reported out. The bill was subsequently sent back to committee and carried over.

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**LD 1537**

**An Act Regarding the Maine Military Authority and the Sale of the Fort Fairfield Armory**

**PUBLIC 342  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND CLARK	OTP-AM	S-181

LD 1537 proposed to clarify that the Maine Military Authority is part of the Department of Defense, Veterans and Emergency Management, Military Bureau.

**Committee Amendment "A" (S-181)** proposed to replace the bill. The amendment proposed to specify that the Maine Military Authority is under the jurisdiction of the Military Bureau within the Department of Defense, Veterans and Emergency Management and to clarify that the Maine Military Authority is a public instrumentality of the Military Bureau's Maine National Guard. The amendment also proposed to authorize the Adjutant General to sell the Fort Fairfield Armory for \$1. The amendment proposed to add a fiscal note to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 342 specifies that the Maine Military Authority is under the jurisdiction of the Military Bureau within the Department of Defense, Veterans and Emergency Management and clarifies that the Maine Military Authority is a public instrumentality of the Military Bureau's Maine National Guard. The law also authorizes the Adjutant General to sell the Fort Fairfield Armory to the Town of Fort Fairfield for \$1.

Public Law 2003, chapter 342 was enacted as an emergency measure effective May 29, 2003.

**LD 1548**

**An Act To Amend the Election Laws**

**PUBLIC 447**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK GAGNON	OTP-AM	H-496

LD 1548 proposed to add or amend the definitions for certain voting terms. The bill also proposed to specify how ballots would be destroyed after their retention period. This bill would clarify the process for adding names of new registrants to the voting list for election day. The bill would also prohibit the use of obscene language in the name of a new political party or for a nonparty candidate's political designation on petitions or the ballot. The bill proposed to correct an incorrect reference to the Maine Rules of Civil Procedure, relating to challenges of the Secretary of State's decision regarding candidate petitions. This bill proposed to add a reason for challenging ballots, which is currently found in another section of law, to the challenge section. The bill also would remove the penalty for soliciting a vote from a person who is under guardianship because of mental illness. The bill would clarify the prohibition against the use of devices in the voting place to make audible voice communications that influence voters. This bill would also specify that the state-supplied tamper-proof containers and locks must only be used to secure state ballots and election materials. The bill proposed to clarify the requirement that the clerk must provide a secure location for keeping ballots and voting equipment. This bill also clarifies which candidates can request a recount and increases the deposit amount for recounts requested when the difference between the vote totals is over 6%, 8% and 10% of the total votes cast for the office. This bill would detail specific requirements for when a clerk must accept a written absentee ballot application, written request or telephone application. The bill

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would also clarify the circumstances when a voter could be issued a 2nd absentee ballot, as well as directing the election officials as to which of these ballots would be processed and counted on election day. This bill also proposed to clarify who are designated recount candidates and the procedure to be used in notifying a candidate of the recount. Finally, this bill proposed to change the penalty for tampering with an electronic tabulating device or other type of voting device so that it would be consistent with the penalty for tampering with a voting machine.

**Committee Amendment "A" (H-496)** proposed to incorporate changes that ensure that each crime and civil violation has its own unique statutory cite. This amendment also proposed to change the act of tampering with a voting device from a Class C crime to a Class B crime.

### *Enacted Law Summary*

Public Law 2003, chapter 447 adds or amends the definitions for certain voting terms. The law also specifies how ballots must be destroyed after their retention period. This law clarifies the process for adding names of new registrants to the voting list for election day. The law also prohibits the use of obscene language in the name of a new political party or for a nonparty candidate's political designation on petitions or the ballot. Chapter 447 corrects an incorrect reference to the Maine Rules of Civil Procedure, relating to challenges of the Secretary of State's decision regarding candidate petitions. It adds a reason for challenging ballots, which is currently found in another section of law, to the challenge section. This law also removes the penalty for soliciting a vote from a person who is under guardianship because of mental illness. Chapter 447 clarifies the prohibition against the use of devices in the voting place to make audible voice communications that influence voters. This law also specifies that the state-supplied tamper-proof containers and locks must only be used to secure state ballots and election materials and clarifies the requirement that the clerk must provide a secure location for keeping ballots and voting equipment. It also clarifies which candidates can request a recount and increases the deposit amount for recounts requested when the difference between the vote totals is over 6%, 8% and 10% of the total votes cast for the office. This law provides for specific requirements for when a clerk must accept a written absentee ballot application, written request or telephone application and clarifies the circumstances when a voter can be issued a 2nd absentee ballot, as well as directing the election officials as to which of these ballots must be processed and counted on election day. Under this law, the penalty for tampering with an electronic tabulating device or other type of voting device is changed so that it is consistent with the penalty for tampering with a voting machine. Finally, this law clarifies who are designated recount candidates and the procedure to be used in notifying a candidate of the recount.

**LD 1581**

**Resolve, Authorizing Municipalities To Consolidate Voting Districts  
for Special Elections on Bond Issues Held in 2003**

**RESOLVE 7  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

LD 1581, a resolve, proposed to authorize municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in 2003.

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### ***Enacted Law Summary***

Resolve 2003, chapter 7 authorizes municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in 2003.

Resolve 2003, chapter 7 was enacted as an emergency measure effective April 30, 2003.

### **LD 1603                      Resolve, Authorizing Michaela Corbin-Bumford To Sue the State                      CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1603, a resolve, proposes to authorize Michaela Corbin-Bumford to sue the State for damages resulting from alleged wrongful removal from her home by the Department of Human Services. The maximum amount of any recovery in the lawsuit is limited to \$400,000. The resolve was reported out by the committee pursuant to joint order and proposed as a separate resolve rather than being included in LD 730.

LD 1603 has been carried over to the Second Regular Session.

### **LD 1613                      Resolve, Authorizing Germaine Bell To Sue the State                      CARRIED OVER**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1613, a resolve, proposes to authorize Germaine Bell to bring a civil action against the State for damages in connection with services she received from the Department of Human Services.

LD 1613 has been carried over to the Second Regular Session.

### **SP 552                      JOINT STUDY ORDER – Establishing the Committee to Study the Implementation of the Privatization of the State’s Wholesale Liquor Business                      PASSED**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u>		<u>Amendments Adopted</u> S-264
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Senate Paper 552 is a Joint Study Order to Study the Implementation of the Privatization of the State's Wholesale Liquor Business. This Joint Order was passed without reference to committee. This Joint Order establishes a Legislative Study Committee that is charged with reviewing the bidding process by which the State will lease the wholesale spirits distribution rights to a private distributor and to explore issues associated with the responsibility for enforcement the liquor laws. The committee is required to issue a report to the Second Regular Session of the 121st Legislature no later than December 3, 2003.

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**Senate Amendment "A" (S-264)** provides that the Study committee may hold up to 3 meetings and may introduce a bill to the Second Regular Session of the 121<sup>st</sup> Legislature.

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