

**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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*Joint Standing Committee on Veterans and Legal Affairs*

**LD 31      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Require That Signatures on a Direct Initiative of Legislation Come  
from Each Congressional District** **Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E DIAMOND B	OTP-AM ONTP	H-572

This bill was reported out of committee and then recommitted to the committee in the First Regular Session of the 128th Legislature, and then carried over to the Second Regular Session.

This resolution proposes to amend the Constitution of Maine to require that the signatures on a petition to directly initiate legislation be of voters from each of the State's two congressional districts and that the number of signatures from each congressional district be not less than 10% of the total vote for Governor cast in that congressional district in the previous gubernatorial election. This resolution provides that, if the required votes are cast in favor of the proposed amendment to the Constitution, the proposed amendment becomes part of the Constitution on March 1, 2018 instead of on the date of the Governor's proclamation.

**Committee Amendment "B" (H-572)**

This amendment makes a technical change to the resolution regarding the effective date of the proposed amendment to the Constitution of Maine.

**LD 85      An Act Regarding Public Service Berthing Vessels Licensed for the Sale  
of Liquor** **Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D KUMIEGA W	OTP-AM	S-11

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order, S.P. 748.

This bill authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to issue licenses to public service berthing vessels for the sale of spirits, wine and malt liquor on overnight voyages of at least one night. The bill establishes requirements and fees for such licensing.

**Committee Amendment "A" (S-11)**

This amendment replaces the bill. Like the bill, the amendment provides for a definition of public service berthing vessel. Unlike the bill, the amendment does not establish a separate license for a public service berthing vessel but rather makes the vessel eligible for a Class V liquor license that permits the sale of spirits, wine and malt liquor to passengers of the vessel. It also provides that the license may be issued for a single event or voyage. Like the bill, the amendment requires that the vessel acquire municipal approval to sell liquor on board the vessel to passengers while the vessel is docked. The amendment also makes a provision for storage of liquor to be sold by the licensed vessel and requires that records be maintained for each event when the licensed vessel sells liquor to passengers.

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

**LD 792      An Act To Authorize Funding for Transitional Housing for Women  
Veterans and Their Families**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B CARPENTER M	OTP-AM ONTP	H-58

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order, S.P. 748.

This bill provides a one-time General Fund appropriation in fiscal year 2017-18 to the Department of Defense, Veterans and Emergency Management for the Betsy Ann Ross House of Hope to provide suitable housing for women veterans in transition and their families.

**Committee Amendment "A" (H-58)**

This amendment incorporates a fiscal note.

**LD 1201      An Act To Authorize Tribal Gaming**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B JACKSON T	ONTP OTP-AM	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill authorizes the Department of Public Safety, Gambling Control Board to accept applications for a casino operator license from federally recognized Indian tribes in the State. A license issued to a federally recognized Indian tribe would authorize operation of table games and up to an aggregate total of 1,500 slot machines at multiple facilities on land owned by the tribe. The bill provides that casinos operated by federally recognized Indian tribes are exempt from the requirement that a newly licensed casino may not be within 100 miles of an existing casino or slot machine facility. It also provides that the Gambling Control Board may not license a new casino, slot machine facility or other gambling facility or authorize expansion of existing casinos until all federally recognized Indian tribes have been licensed to operate a casino. The bill establishes a distribution rate of 25% of net slot machine income and 16% of net table game income for casinos operated by federally recognized Indian tribes. The slot machine income and table game income is deposited to the General Fund.

**Committee Amendment "A" (H-697)**

This amendment makes the following changes to the bill.

1. Rather than allowing each federally recognized Indian tribe in the State to operate a casino, it allows one legal entity, referred to as a joint tribal entity, the ownership of which is held equally, either jointly or in common, by the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians, to apply for and receive a license to operate a casino.
2. It specifies that, as a condition of a joint tribal entity's receiving a license, a casino must be located:

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A. On land that on January 1, 2018 was owned by the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs or the Houlton Band of Maliseet Indians or land held in trust by the United States or by any other person or entity for the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs or the Houlton Band of Maliseet Indians;

B. On land located in the unorganized territory; or

C. On land in a municipality and that municipality approves of the operation of the casino in that municipality, either by vote of its legislative body or in a referendum of the voters of the municipality.

3. It exempts a casino licensed to a joint tribal entity from the provision in current law that prohibits a new casino or slot machine facility from being located within 100 miles of an existing casino or slot machine facility. The amendment provides that a casino licensed to a joint tribal entity may not be located within 50 miles of an existing facility.

4. The amendment provides that a change in the composition of a joint tribal entity does not invalidate a casino license issued to the entity as long as the change occurs no sooner than six months after the license is issued and the entity still consists of at least two federally recognized Indian tribes in the State who own equal shares of the entity in its entirety.

5. Finally, the amendment changes the provision in current law that states that distributions of net slot machine revenue from the casino located in Oxford County to the Penobscot Nation and the Passamaquoddy Tribe revert to the operator if one or both operate or receive distributions from a newly licensed casino. The amendment provides that the distribution of that slot machine revenue would instead be deposited into the General Fund if either the Penobscot Nation or the Passamaquoddy Tribe operated or received distributions from a newly licensed casino.

**LD 1204 An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities**

**PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J	OTP-AM	H-494

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill amends the law governing the issuance of absentee ballots to a voter who is a resident of a nursing home, a residential care facility or an assisted housing program. The bill prohibits a municipal clerk from issuing an absentee ballot to an immediate family member or a third person for a voter who has granted another person power of attorney and who is receiving medical care due to dementia unless the clerk acquires the consent of the person who has been granted power of attorney. The bill also prohibits a municipal clerk, when facilitating absentee voting at a nursing home, a residential care facility or an assisted housing program, from issuing an absentee ballot to a voter who has granted power of attorney to another person and who is receiving medical care due to dementia unless the clerk acquires the consent of the person who has been granted power of attorney.

**Committee Amendment "A" (H-494)**

This amendment replaces the bill, which proposes to prohibit the issuance of absentee ballots at nursing and residential care facilities to certain residents who have granted another person power of attorney in the absence of consent of that person who has been granted power of attorney. The amendment instead requires that the municipal

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clerk post notice of the date and time when absentee voting will be conducted at a licensed facility and requires the licensed facility to notify the contact person or persons, if any, for each resident at the facility that absentee voting will be conducted.

### **Enacted Law Summary**

Public Law 2017, chapter 433 amends the law governing the issuance of absentee ballots to a voter who is a resident of a licensed nursing home, residential care facility or assisted housing program. This law requires that the municipal clerk post notice of the date and time when absentee voting will be conducted at a licensed facility and requires the licensed facility to notify the contact person or persons, if any, for each resident at the facility that absentee voting will be conducted.

**LD 1554      *Resolve, Authorizing Claire Dean Perry and the Estate of William Dean To Bring Suit Against the Surety Obtained by the Department of Health and Human Services in Its Capacity as Public Conservator*      **Veto Sustained****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P	OTP-AM	H-365 S-513    HAMPER J

This resolve was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve authorizes Claire Dean Perry and the estate of William Dean to bring suit against the surety bond that was obtained by the Department of Health and Human Services in the department's capacity as public conservator or public guardian of William Dean and that was filed with the Probate Court pursuant to the Maine Revised Statutes, Title 18-A, section 5-611. This resolve constitutes a waiver of the State's defense of sovereign immunity.

### **Committee Amendment "A" (H-365)**

This amendment clarifies that the surety for the State may not assert the defense of immunity in any proceeding authorized by the resolve and filed with the Probate Court. The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-513)**

This amendment removes the funding for a court settlement.

**LD 1568      *An Act To Require That Principals of Corporations Remain the Same for a Specified Number of Years for the Corporation To Be Eligible for a Casino License*      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R SCHNECK J		

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. This bill was again carried over from the Second Regular Session to the next special session by joint order S.P. 748.

Current law prohibits the transfer or assignment of a casino operator license. This bill requires that a corporation applying for a license must have had the same principal officers for at least five years prior to the issue of that

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license and must retain those officers for at least 10 years after the issue or renewal of the license. This bill was not reported out of committee.

**LD 1590 An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M TALBOT ROSS R	ONTP OTP-AM	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

Current law requires that 4% of the net slot machine income from the casino in Oxford be distributed to the tribal governments of the Penobscot Nation and the Passamaquoddy Tribe. This bill requires that this 4% of the net slot machine income be distributed to the tribal governments of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs.

**Committee Amendment "A" (S-365)**

This amendment incorporates a fiscal note.

**LD 1646 An Act To Implement Ranked-choice Voting in 2021**

**PUBLIC 316**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ACKLEY K	OTP-AM OTP-AM ONTP OTP-AM	H-568

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends the ranked-choice voting law to bring it into compliance with the Constitution of Maine by applying the provisions of the law only to primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative and general and special elections for the offices of United States Senator and United States Representative to Congress. The bill does not allow ranked-choice voting to be used for general and special elections for the offices of Governor, State Senator and State Representative unless an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 that authorizes the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected is ratified.

The bill requires the Secretary of State to adopt routine technical rules for the administration of ranked-choice voting, including the administration of recounts.

**Committee Amendment "B" (H-568)**

This amendment delays the implementation of ranked-choice voting until elections held after December 1, 2021. This amendment provides that the laws governing ranked-choice voting are repealed unless the Constitution of Maine is amended to authorize the Legislature to determine the method by which the Governor and members of the Legislature are elected. The amendment requires the Secretary of State to submit a report on the implementation of ranked-choice voting to the joint standing committee of the Legislature having jurisdiction over election matters no

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later than January 2, 2019.

### **Enacted Law Summary**

Public Law 2017, chapter 316 amends the law governing the method of determining the results of elections using ranked-choice voting. It repeals the definition of "offices elected by ranked-choice voting" and replaces it with a definition of "elections determined by ranked-choice voting." It also clarifies existing law that requires ballots to be counted by election clerks under the supervision of the warden, by providing an exception for elections determined by ranked-choice voting.

Chapter 316 directs the Secretary of State to adopt routine technical rules for the proper and efficient administration of elections to be determined by ranked-choice voting, which must include, at a minimum, procedures for conducting recounts. It also requires the Secretary of State to submit a report on the implementation of ranked-choice voting by January 2, 2019.

Chapter 316 provides that the implementation of ranked-choice voting is delayed until elections held after December 1, 2021 and clarifies that the winner of a primary election held before that date is the candidate who receives a plurality of the votes cast for nomination to that office. Primaries held after December 1, 2021 are determined by ranked-choice voting.

Finally, chapter 316 imposes a contingent repeal on the use of ranked-choice voting for elections. It states that unless the voters of the State, prior to December 2021, ratify an amendment to the Constitution of Maine authorizing the Legislature, by proper enactment, to determine the method by which the Governor, members of the State Senate and House of Representatives are elected, the sections of statute that authorize the implementation of ranked-choice voting are repealed.

Portions of Public Law 2017, chapter 316 were suspended on November 6, 2017 upon the filing of an application for a people's veto pursuant to Article IV, Part Third, Section 17 of the Constitution of Maine. The date of the people's veto referendum election was June 12, 2018.

### **LD 1693     An Act To Clarify the Law Governing the Separation of a Class A Restaurant and an Off-premises Retail Licensee Located on the Same Premises**

**PUBLIC 324**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M MILLETT R	OTP	

This bill clarifies that a provision of the liquor laws that requires complete separation, including supplies and inventory, of two retail liquor establishments at the same location does not apply to a manufacturing facility and a retail establishment at the same location.

### **Enacted Law Summary**

Public Law 2017, chapter 324 clarifies that a provision of the liquor laws that requires complete separation, including supplies and inventory, of two retail liquor establishments at the same location does not apply to a manufacturing facility and a retail establishment at the same location.

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**LD 1725 An Act To Ensure Stability for Certain Holders of Liquor Licenses**

**PUBLIC 341**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L MASON G	OTP-AM	H-585

This bill permanently prohibits the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations from suspending, revoking or refusing to renew certain licenses for the manufacture or sale of liquor issued prior to June 1, 2017 based solely on a change in the bureau's interpretation of the terms "exclusively held" and "exclusively owned" or based solely on a conflict with the Maine Revised Statutes, Title 28-A, section 707, subsection 2, 3 or 4.

**Committee Amendment "A" (H-585)**

The bill establishes June 1, 2017 as the date before which certain liquor licensees must have been issued a license to be subject to the grandfathering provision in the bill. This amendment changes that date to January 1, 2018.

**Enacted Law Summary**

Public Law 2017 chapter 341 prohibits the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations from suspending, revoking or refusing to renew certain licenses for the manufacture or sale of liquor issued prior to January 1, 2018 based solely on a change in the bureau's interpretation of the terms "exclusively held" and "exclusively owned" or based solely on a conflict with the Maine Revised Statutes, Title 28-A, section 707, subsection 2, 3 or 4.

**LD 1726 An Act To Amend the Laws Governing Elections**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM OTP-AM	

This bill makes the following changes to the election laws.

1. It reduces the retention period for the receipt for certified copies of the incoming voting list from one year to six months.
2. It adds a retention period of six months for test ballots and documentation of testing.
3. It adds a deadline for an aggrieved person to appeal a decision of the registrar of voters regarding the person's voter registration.
4. It removes an obsolete requirement that primary and nomination petitions for the nomination of county commissioners must specify the term office.
5. It clarifies that county committee members residing within county commissioner districts make choices for county commissioner nominations for vacancies.
6. It provides that when two United States Senators are to be elected, the term of office sought by each candidate must be specified on the ballot.



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7. It specifies acceptable formats for names of candidates for nomination to appear on a ballot.
8. It repeals the provision of law allowing for collection of signatures in the voting place.
9. It replaces the current restrictions on political activities occurring within 250 feet of the voting place on election day with new restrictions on both election-related and nonelection-related political and other activities within a designated zone that includes the building where the registrar's office is located when it is open, the voting place, public property within 50 feet of each entrance to the voting place and a 50-foot-wide pathway from the parking or drop-off areas to the entrances to the voting place. Candidates for any office that is on the ballot for the election that day may attend the voting place and orally communicate with voters only if they do so outside the designated zone. Exit polling, the collection of signatures for a candidate or a direct initiative of legislation or referendum and the conduct of charitable or other nonelection-related activities may occur only outside the designated zone. It also applies these restrictions to the municipal clerk's office during the time when absentee voting may be occurring.
10. It adds a new method for returning a voted absentee ballot to the municipal clerk.
11. It changes the manner by which the municipal clerk must give notice of the municipality's intent to process absentee ballots prior to election day.
12. It removes a provision regarding allowing another person to sign for the voter a direct initiative of legislation or a people's veto referendum petition.
13. It removes an incorrect reference to a notary public or other person authorized by law to administer oaths being able to certify petitions.
14. It decreases the public comment period regarding proposed ballot questions for direct initiatives from 30 days to 21 days.
15. It removes an incorrect reference to a census block in Augusta that was included in State Representative District 80 that already was correctly included in State Representative District 85.
16. It repeals a redundant section of the Maine Revised Statutes, Title 30-A that addresses the nomination petitions for county commissioners.
17. It clarifies that the municipal treasurer's statement that must accompany a question for ratification of a municipal bond issue either may be printed on the ballot or may be printed as a separate document that is made available to voters.
18. It corrects cross-references to repealed provisions of law.

### **Committee Amendment "A" (H-683)**

This amendment, which is the majority report of the committee, removes the provisions in the bill that make changes to the laws governing political activities at the polling place. It also removes the provision of the bill that removes language that allows an authorized person to sign a petition for a direct initiative of legislation or a people's veto referendum on behalf of a voter at that voter's direction. The amendment removes a section in the bill that makes changes to the laws governing when a notary public or other person authorized to administer oaths is prohibited from administering an oath to a circulator of a petition for a direct initiative of legislation or people's veto referendum and replaces it with a new section. The new section provides that a notary public or other person authorized to administer oaths is not authorized to administer an oath to a circulator of a petition for a direct initiative of legislation or people's veto referendum petition if that notary public or other person has provided services to initiate or promote that direct initiative of legislation or people's veto referendum. Finally,

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the amendment makes changes to the deadlines governing submission of municipal official candidate nomination papers, municipal official candidate withdrawals and petitions for local option elections on the sale of liquor. These deadline changes make those provisions consistent with other deadlines enacted for similar submissions under Public Law 2017, chapter 248.

**Committee Amendment "B" (H-684)**

This amendment, which is the minority report of the committee, removes the provision in the bill that repeals the laws governing political activities at the voting place and instead amends those laws. The amendment limits to one person the number of people who may attend a voting place on behalf of a candidate to communicate with voters in the manner permitted under existing law. It provides that a person collecting signatures must do so outside of the voting place unless there is a separate room on the premises of the voting place that is not accessible from the area where voting occurs. It limits the number of signature collectors on any one measure, issue or candidate to two and states that no more than two persons who oppose that measure, issue or candidate for which signatures are being collected may be afforded access to the area. It limits the total number of measures, issues or candidates for which signatures may be collected to five.

The amendment removes a provision in the bill that permits the deposit of absentee ballots into a secured drop box accessible only by the municipal election clerk. It also removes a section in the bill that makes changes to the laws governing when a notary public or other person authorized to administer oaths is prohibited from administering an oath on a petition for a direct initiative of legislation or people's veto referendum and replaces it with a new section. The new section provides that a notary public or other person authorized by law to administer oaths is not authorized to administer an oath for a direct initiative of legislation or people's veto referendum petition if that person has provided services to initiate the measure or promote that direct initiative of legislation or people's veto referendum. Finally, the amendment makes changes to the deadlines governing submission of municipal official candidate nomination papers, municipal candidate withdrawals and petitions for local option votes on the sale of liquor. These deadline changes make those provisions consistent with other deadlines enacted for similar submissions under Public Law 2017, chapter 248.

The fiscal note on the amendment identifies a requirement that municipal election clerks provide informational materials to petition circulators describing the laws governing the solicitation of signatures at the voting place as a potential mandate. This requirement does not necessarily require the development of new materials, as a copy of relevant statutory sections governing solicitation of signatures at the voting place sufficiently satisfies the requirement. A municipality may choose to provide informational materials of the municipality's own creation but that is an optional method of compliance. Thus, the members of the committee on this report find that the provisions identified as a potential mandate do not necessitate additional expenditures from local revenue.

**LD 1736      An Act To Broaden Educational Opportunities to Members of the Maine National Guard and Provide Financial Assistance to Veterans      PUBLIC 419**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M POULIOT M	OTP-AM	S-445 H-748 LUCHINI L H-743 FARRIN B

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill broadens the tuition benefit program that is available to members of the Maine National Guard who attend a state postsecondary education institution to provide a tuition benefit for members who attend a private nonprofit

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postsecondary education institution in the State. The bill limits the tuition benefit at private nonprofit postsecondary education institutions to the tuition at the Maine Maritime Academy during the prior academic year.

### **Committee Amendment "A" (S-445)**

This amendment replaces the bill. It repeals the provision in current law that allows the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to provide veterans with temporary and emergency assistance and instead establishes the Veterans Temporary Assistance Fund and prescribes the purposes for which it may be used within the bureau. The amendment also provides ongoing funding for the Veterans Temporary Assistance Fund and the Maine National Guard Postsecondary Fund from the Liquor Operation Revenue Fund.

Like the bill, the amendment expands the Maine National Guard Education Assistance Program to include private nonprofit postsecondary education institutions as institutions where members of the Maine National Guard may receive a tuition benefit. It amends the definition of "state postsecondary education institution," which includes the University of Maine System, the Maine Maritime Academy and the Maine Community College System, to add private nonprofit postsecondary education institutions in the State that have registered with the Military Bureau. The amendment requires that private nonprofit postsecondary education institutions must register with the Military Bureau in order to take part in the Maine National Guard Education Assistance Program. In the amendment, the tuition benefit provided by a private nonprofit postsecondary education institution may not exceed the in-state tuition at the University of Maine at Orono for the previous academic year. The amendment also adds an appropriations and allocations section.

### **House Amendment "B" To Committee Amendment "A" (H-748)**

This amendment removes the Liquor Operation Revenue Fund as the source of funding of the Veterans Temporary Assistance Fund and the Maine National Guard Postsecondary Fund. Instead, this amendment provides funding from the General Fund.

### **House Amendment "A" To Committee Amendment "A" (H-743)**

This amendment includes the Maine Criminal Justice Academy in the list of institutions where members of the Maine National Guard may receive a tuition benefit.

### **Enacted Law Summary**

Public Law 2017, chapter 419 repeals the provision in current law that allows the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to provide veterans with temporary and emergency assistance and instead establishes the Veterans Temporary Assistance Fund and prescribes the purposes for which it may be used within the bureau. The law also provides ongoing funding for the Veterans Temporary Assistance Fund and the Maine National Guard Postsecondary Fund from the General Fund.

This law also expands the Maine National Guard Education Assistance Program to include the Maine Criminal Justice Academy and private nonprofit postsecondary education institutions as institutions where members of the Maine National Guard may receive a tuition benefit. The law requires that private nonprofit postsecondary education institutions must register with the Military Bureau in order to take part in the Maine National Guard Education Assistance Program. Under this law, the tuition benefit provided by a private nonprofit postsecondary education institution may not exceed the in-state tuition at the University of Maine at Orono for the previous academic year.

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**LD 1738 An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises**

**PUBLIC 337**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S HARRINGTON M	OTP-AM	S-354

This bill allows the sale of alcohol to persons who are on municipally owned property that is not contiguous to the licensed premises of a person licensed to sell spirits, wine or malt liquor for on-premises consumption as long as certain conditions are met, such as approval by the municipality, the exercise of control over the noncontiguous real estate by the licensee, restricting to employees of the licensee the sale of alcohol and limiting the time during which alcohol may be sold on the noncontiguous real estate. The bill also permits the public to travel between the licensed premises and noncontiguous real estate.

**Committee Amendment "A" (S-354)**

This amendment clarifies that noncontiguous real estate near an establishment licensed for the sale of liquor for consumption on the premises that is approved by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations as a proper place for exercise of the licensee's privilege is considered part of the licensed premises. The amendment also clarifies that only an employee of the licensed establishment may transport liquor between the licensed establishment and the noncontiguous real estate.

**Enacted Law Summary**

Public Law 2017 chapter 337 authorizes an establishment licensed to sell liquor for consumption on the licensed premises to sell liquor to patrons on property not contiguous to the licensed premises. The noncontiguous property near the establishment must be owned by the municipality where the establishment is licensed and approved by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages as a proper place for the exercise of the licensee's privilege to sell liquor. The noncontiguous area is considered to be part of the licensed premises. Chapter 337 provides that only an employee of the licensed establishment may transport liquor between the licensed establishment and the noncontiguous real estate. If the space between the licensed establishment and the noncontiguous space is a public way, that space remains accessible to the public.

**LD 1743 An Act To Increase the Number of Agency Liquor Store Licenses in Larger Municipalities**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M	ONTP OTP-AM	S-382

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to modify the number of retail liquor licenses allowed in a municipality based on the population of that municipality.

**Committee Amendment "A" (S-382)**

This amendment replaces the bill, which is a concept draft. The amendment provides that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations may license up to 11 agency liquor stores in a municipality with a population over 60,000. Under current law, the maximum number of agency liquor stores that may be licensed in a municipality with a population over 45,000 is 10.

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**LD 1780     An Act To Transfer Funds to the Maine Clean Election Fund To Provide Adequate Funding for Maine Clean Election Fund Candidates** **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-665

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides funding to the Maine Clean Election Fund in order to ensure that adequate funds are available to candidates participating in the Maine Clean Election Act.

**Committee Amendment "A" (H-665)**

This amendment reduces the appropriation to the Maine Clean Election Fund proposed in the bill from \$1,700,000 to \$700,000.

**LD 1786     An Act Regarding Maine's Liquor Laws** **PUBLIC 347**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	H-619

This bill clarifies provisions in existing law authorizing a licensed manufacturer to hold a license for a retail establishment where liquor is consumed on the premises. The bill also repeals a provision that requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to establish rules for the separation of areas where the privilege of a liquor license may be exercised from where it may not be exercised.

**Committee Amendment "A" (H-619)**

This amendment provides that distilled spirits may be donated to charitable organizations by both in-state and out-of-state manufacturers. It also clarifies how those donations are processed by the State or the State's wholesale liquor provider. This amendment provides that a manufacturer in the State is entitled to have a retail license under the Maine Revised Statutes, Title 28-A, chapter 43 per licensed manufacturing location, either on the premises of the manufacturing facility or at another location. The amendment also clarifies that liquor sold under a retail license issued pursuant to chapter 43 may not be consumed on any part of the premises where patrons are not generally permitted.

**Enacted Law Summary**

Public Law 2017 c. 347 amends provisions in the liquor laws authorizing a licensed manufacturer to hold a license for a retail establishment where liquor is consumed on the premises. It clarifies that a manufacturer may also hold a license for an establishment licensed to sell liquor for consumption on the premises, under Title 28-A, Chapter 43 as long as the same person or persons have a controlling interest in both. The Chapter 43 license may be sited at the manufacturing facility location or at another location. It also clarifies that the manufacturing facility and the Chapter 43 establishment may be accessed by the same entrance. It also provides that liquor sold under the Chapter 43 license may not be consumed on any part of the premises where patrons are not generally permitted.

It repeals a provision that requires the Department of Administrative and Financial Services, Bureau of Alcoholic

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Beverages and Lottery Operations to establish rules for the separation of areas where the privilege of a liquor license may be exercised from where it may not be exercised.

Chapter 347 provides that distilled spirits may be donated to charitable organizations by both in-state and out-of-state manufacturers. It also clarifies how those donations are processed by the State or the State's wholesale liquor provider.

**LD 1802      Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices      RESOLVE 37 EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a major substantive rule of the Commission on Governmental Ethics and Election Practices.

**Enacted Law Summary**

Resolves 2017 chapter 37 authorizes the final adoption of major substantive rules provisionally adopted by the Commisison on Governmental Ethics and Election Practices governing the Maine Clean Election Act.

Resolves 2017 chapter 37 was finally passed as an emergency measure effective April 1, 2018.

**LD 1803      Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board      RESOLVE 45 EMERGENCY**

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

This resolve provides for legislative review of Chapter 28: Advanced Deposit Wagering, a major substantive rule of the Gambling Control Board.

**Enacted Law Summary**

Resolves 2017 chapter 45 authorize the final adoption of major substantive rules provisionally adopted by the Department of Public Safety, Gambling Control Unit governing advance deposit wagering on horse races.

Resolves 2017, chapter 45 was finally passed as an emergency measure effective April 10, 2018.

**LD 1837      An Act To Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations      PUBLIC 365 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R LUCHINI L	OTP-AM	S-378

Current law allows an eligible organization that has registered with the Gambling Control Unit within the Department of Public Safety to conduct one raffle in a 12-month period awarding noncash prizes up to \$75,000 in

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value. This bill allows that raffle to include total cash prizes not exceeding \$20,000 with no more than one \$10,000 prize for the holder of a winning chance.

**Committee Amendment "A" (S-378)**

Current law states that a person or an organization is not required to register with the Gambling Control Unit when conducting a raffle with a prize of \$1,000 or less. This amendment adds provisions to the bill amending the law to increase that prize amount to \$2,500. The amendment also adds an emergency preamble and an emergency clause to the bill.

**Enacted Law Summary**

Public Law 2017, chapter 365 amends a provision of the laws governing games of chance which allows an eligible organization registered with the Gambling Control Unit to conduct one raffle in a 12-month period awarding noncash prizes up to \$75,000 in value. Chapter 365 allows that raffle to include total cash prizes not exceeding \$20,000 with no more than one \$10,000 prize for the holder of a winning chance.

Chapter 365 increases the threshold prize amount which requires an organization conducting a raffle to register with the Gambling Control Unit from an amount greater than \$1,000 to \$2,500.

Public Law 2017, chapter 365 was enacted as an emergency measure effective April 8, 2018.

**LD 1846      An Act To Require the Provision of Photographic Identification by Voters      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R		

This bill was not referred to committee.

This bill requires that a voter provide proof of identity with photographic identification for the purpose of voting. The bill specifies the types of photographic identification that may be used to verify the identity of a voter. It provides that a person who does not present photographic identification may cast a provisional ballot and establishes the process for provisional voting. Under this process, if the person can verify the person's identity to the municipal clerk, deputy clerk or warden or an election clerk within three business days after the election by presenting acceptable photographic identification, the ballot will be cast as a regular ballot. The bill provides that, through the general election of 2018, a person who does not present acceptable photographic identification but is known to a municipal clerk, registrar or election official at the voting place may cast a regular ballot upon submission of an affidavit by the municipal clerk, registrar or election official attesting to the person's identity. The bill requires that provisional ballots must be retained in tamper-proof containers separately from provisional ballot affidavits and the provisional ballot log and that rejected provisional ballots, provisional ballot logs and provisional ballot affidavits must be retained in the same manner as regular ballots and election materials. Finally, the bill requires the Secretary of State to provide, without a fee, nondriver identification cards to eligible persons who do not have another form of acceptable photographic identification to verify identity for the purpose of voting.

**LD 1865      An Act To Increase Transparency in the Direct Initiative Process      PUBLIC 418**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM ONTP	H-714

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This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748.

The bill changes the requirements regarding the statements the Secretary of State must include on petitions used for the collection of signatures for a direct initiative. If the circulator of a petition is being paid to circulate the petition, that petition must include, on each page intended for voter signatures, a statement under the circulator's name that the circulator is being paid. The bill also states that a notary public or other person generally authorized to administer oaths or affirmations is not considered authorized to administer oaths or affirmations to a petition circulator if the notary public or person is also providing services to initiate that petition or promote the measure for which the petition is being circulated. It also provides that a notary public has a conflict of interest if the notary public provides services, other than notarial acts, to a campaign for a direct initiative or people's veto referendum and also administers an oath to a circulator who is collecting signatures for that same direct initiative or people's veto referendum. The bill requires financial reports from major contributors to a direct initiative or people's veto referendum campaign. A major contributor is an entity, other than an individual, that makes contributions aggregating more than \$100,000 in a calendar year to a ballot committee or political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum. The report must disclose the name and purpose of the organization making the contribution, the amount and date of each contribution, the five largest sources of income in the year prior to filing the report, whether the organization has received contributions for the purposes of influencing a direct initiative or people's veto referendum, if the organization is a tax-exempt organization and if the organization has filed campaign finance reports in other jurisdictions in the past 12 months.

### **Committee Amendment "A" (H-714)**

This amendment is the majority report of the committee. It removes the provisions in the bill requiring an additional statement on a petition for a direct initiative of legislation indicating if the circulator is being paid to solicit signatures. The amendment clarifies the definition of "major contributor." It provides that a person, other than an individual, becomes a major contributor upon making one or more contributions aggregating \$100,000 or more to a ballot question committee or political action committee to influence any one direct initiative campaign or any one people's veto referendum campaign. The amendment also changes the date by which a major contributor must file a report. Under the bill, the report is due at the same time as the recipient committee's October quarterly report. The amendment provides that the major contributor files a report on or before the next regularly scheduled filing deadline after the major contributor receives notice of the reporting requirement. Under the bill, a major contributor is required to report the five largest sources of funds received by the major contributor during the 12 months prior to submitting the report. The amendment provides that the report must identify the five largest sources of funds received by the major contributor during the period six months before the first contribution is made to the direct initiative or people's veto campaign through the date the report is filed. Finally, the amendment provides that a major contributor is not required to identify a source of funds if that source restricted the use of those funds to purposes that are unrelated to a direct initiative or people's veto campaign. The bill allows for this exception to be governed by rules to be adopted by the Commission on Governmental Ethics and Election Practices.

### **Enacted Law Summary**

Public Law 2017, Chapter 418 modifies the law governing the direct initiative and people's veto referendum processes.

Chapter 418 replaces current law limiting who may notarize or certify a petition to initiate the direct initiative or people's veto referendum. Current law provides that a notary public or other authorized person is prohibited from notarizing or certifying a petition if employed or compensated by a petition organization for any purpose other than notarial acts; if providing services or offering assistance to a ballot question committee established to influence the ballot measure for which the petitions are being circulated or employed by or receiving compensation from such a ballot question committee for any purpose other than notarial acts; or if a treasurer, principal officer, primary fundraiser or primary decision maker to a ballot question committee established to influence the ballot measure for



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which petitions are being circulated. Chapter 418 provides instead that that it is a conflict of interest for a notary public to administer an oath or affirmation to a circulator of a petition for a direct initiative or people's veto referendum if the notary public also provides other services to initiate or promote the direct initiative or people's veto referendum. It also prohibits a notary public or other authorized person from administering an oath or affirmation to the circulator of a petition to initiate the direct initiative or people's veto referendum if the notary public or other authorized person is providing any other services, regardless of compensation, to initiate the direct initiative or people's veto referendum or providing other services, regardless of compensation, to promote the direct initiative or people's veto referendum.

Chapter 418 also creates certain reporting requirements for contributions made by a major contributor to a ballot question committee or political action committee for the purpose of initiating or influencing a people's veto referendum campaign or a direct initiative campaign. It defines a "major contributor" as a person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000. It also requires the recipient committee to notify a major contributor of the reporting requirement. Chapter 418 provides for certain civil penalties for a major contributor that does not file a timely report.

**LD 1912     An Act To Prohibit Campaign Fund-raising at the Voting Place**

**Died On  
Adjournment**

Sponsor(s)

PARRY W

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill prohibits collection or solicitation by any person of campaign contributions related to a political organization, candidate for elected office or proposition submitted to voters on public property within 250 feet of the entrance to the voting place as well as within the voting place itself.

**LD 1926     RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Specify the Qualifications of Electors**

**Died On  
Adjournment**

Sponsor(s)

BRAKEY E

Committee Report

Amendments Adopted

This resolution proposes to amend the Constitution of Maine to specify that only a person who is a citizen of the United States may vote in a state, county or municipal or other local election.

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## **SUBJECT INDEX**

### **Alcoholic Beverages**

#### **Enacted**

LD 1693	An Act To Clarify the Law Governing the Separation of a Class A Restaurant and an Off-premises Retail Licensee Located on the Same Premises	PUBLIC 324
LD 1725	An Act To Ensure Stability for Certain Holders of Liquor Licenses	PUBLIC 341
LD 1738	An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises	PUBLIC 337
LD 1786	An Act Regarding Maine's Liquor Laws	PUBLIC 347

#### **Not Enacted**

LD 85	An Act Regarding Public Service Berthing Vessels Licensed for the Sale of Liquor	Died On Adjournment
LD 1743	An Act To Increase the Number of Agency Liquor Store Licenses in Larger Municipalities	Veto Sustained

### **Beano and Games of Chance**

#### **Enacted**

LD 1837	An Act To Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations	PUBLIC 365 EMERGENCY
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### **Campaign Finance and Maine Clean Election Act**

#### **Enacted**

LD 1802	Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices	RESOLVE 37 EMERGENCY
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#### **Not Enacted**

LD 1780	An Act To Transfer Funds to the Maine Clean Election Fund To Provide Adequate Funding for Maine Clean Election Fund Candidates	Died On Adjournment
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### **Campaign Practices**

#### **Not Enacted**

LD 1912	An Act To Prohibit Campaign Fund-raising at the Voting Place	Died On Adjournment
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### **Casino Gaming**

#### **Not Enacted**

LD 1201	An Act To Authorize Tribal Gaming	Died Between Houses
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LD 1568	An Act To Require That Principals of Corporations Remain the Same for a Specified Number of Years for the Corporation To Be Eligible for a Casino License	Died On Adjournment
LD 1590	An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino	Majority (ONTP) Report

### *Claims Against the State*

#### Not Enacted

LD 1554	Resolve, Authorizing Claire Dean Perry and the Estate of William Dean To Bring Suit Against the Surety Obtained by the Department of Health and Human Services in Its Capacity as Public Conservator	Veto Sustained
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### *Elections*

#### Not Enacted

LD 1726	An Act To Amend the Laws Governing Elections	Died Between Houses
LD 1926	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Specify the Qualifications of Electors	Died On Adjournment

### *Harness Racing and Off-track Betting*

#### Enacted

LD 1803	Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board	RESOLVE 45 EMERGENCY
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### *Initiatives and Referenda*

#### Enacted

LD 1865	An Act To Increase Transparency in the Direct Initiative Process	PUBLIC 418
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#### Not Enacted

LD 31	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District	Died Between Houses
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### *Maine National Guard*

#### Enacted

LD 1736	An Act To Broaden Educational Opportunities to Members of the Maine National Guard and Provide Financial Assistance to Veterans	PUBLIC 419
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**Veterans**

**Not Enacted**

LD 792	An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families	Died On Adjournment
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**Voting**

**Enacted**

LD 1204	An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities	PUBLIC 433
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LD 1646	An Act To Implement Ranked-choice Voting in 2021	PUBLIC 316
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**Not Enacted**

LD 1846	An Act To Require the Provision of Photographic Identification by Voters	INDEF PP
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