

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
115TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AFFAIRS**

**AUGUST 1991**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION  
JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1991**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>CARRIED OVER</b>	<i>Bill carried over to 2nd Session</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Bill failed to get 2/3 vote</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>LVWD</b>	<i>Leave to Withdraw report accepted</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CARROLL J TAMMARO	OTP-AM	H-155 H-294    LAWRENCE

**SUMMARY**

This bill provides an exception to the general rule that a person licensed to sell spirits must purchase the liquor from state liquor stores. The bill permits a restaurant located 15 or more miles from a state liquor store to purchase spirits from an agency store.

Committee Amendment "A" (H-155) permits restaurants located 15 or more miles from a state liquor store to purchase spirits from agency liquor stores, but requires the store to mark up the selling price of spirits sold under those circumstances by approximately 8%. The agency liquor store would send the markup to the State, to compensate for revenue the State loses when purchases are made at agency stores instead of state stores. The amendment requires restaurants and agency liquor stores to obtain written approval from the Bureau of Alcoholic Beverages before engaging in these transactions.

House Amendment "A" (H-294) clarifies the process by which an agency store selling spirits to a restaurant must report the sales and turn over the state's share of the sale proceeds.

**LD 135      An Act to Provide for Community Service as an Alternative to Fines for Persons Convicted of Operating Under the Influence**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
RICHARDS GREENLAW PLOURDE STEVENS P	ONTP      MAJ OTP-AM    MIN	

**SUMMARY**

The bill would have permitted a court to impose a community service obligation instead of a mandatory fine for a person convicted of operating a motor vehicle under the influence of drugs or alcohol or with an excessive blood-alcohol level, if the person is unable to pay the fine and a community service opportunity exists. The bill also would have resolved a conflict in the law providing for enhanced penalties for operating under the influence when there is a minor in the motor vehicle.

Committee Amendment "A" (H-78), part of the minority committee report, would have clarified that the court may impose a community service requirement in lieu of a fine rather than imposing and suspending the fine. The amendment also clarified that the county is responsible for overseeing the community service imposed and added a Correctional Impact Statement.