

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

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

4693NRG

SPONSOR(S)

COTE

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-163

SUMMARY

This bill updates the common nuisance laws in order to provide the Attorney General and state prosecutors with a reasonable and less drastic alternative to the outright forfeiture of real estate that is habitually used to facilitate drug crimes. At present, the only practical remedy for prosecutors is complete forfeiture under the Maine Revised Statutes, Title 15, chapter 517. This bill provides a mechanism for prosecutors and courts to use injunctive authority to fashion more flexible solutions depending on individual circumstances.

Under the existing language of the law, "narcotic drugs" pertain only to heroin and opium-based scheduled drugs as defined in Title 17-A, section 1101, subsection 6. By changing the language to "scheduled drugs," the nuisance law is expanded to cover not just opium-based drugs, but LSD, PCP, hashish, "crack" and other serious scheduled drugs as defined in Title 17-A, section 1102.

This bill also provides to the courts and the public a standard to measure the frequency of prohibited use in order to determine whether a building, place or structure constitutes a "habitual common nuisance" and thereby removes any ambiguity created by case law.

Committee Amendment "A" (H-163) prevents a court's injunction from running against real property in perpetuity. The amendment balances the need to avoid unnecessarily clouding title to real property with the concern that an owner may fashion a straw or sham transfer of ownership as a means of undermining the court's injunction.

LD 358 An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine

PUBLIC 462

SPONSOR(S)

CAHILL

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-122

S-355 PEARSON

SUMMARY

This bill allows the retail sale of wines with higher alcohol content such as madeira, port, sherry, marsala and vermouth by licensees now permitted to sell only malt liquor and table wine.

Committee Amendment "A" (S-122) adds a fiscal note to the bill.

Senate Amendment "A" (S-142) would have made technical changes to clarify the taxes and premiums for fortified wines.

Senate Amendment "A" to Committee Amendment "A" (S-355) incorporates Senate Amendment "A" which makes technical changes to clarify the taxes and premiums for fortified wines. The amendment also changes the definition of "low-alcohol spirits product" from a product that has an alcohol content of less than 6%. The amendment also specifies that the state liquor stores may sell fortified wines.