

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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Sen. James R. Handy
Sen. Stephen E. Hall*

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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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

CARRIED OVER

ONTP

ENACTMENT FAILED

INDEF PP

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Bill carried over to Second Session

Ought Not to Pass report accepted

Bill failed to get majority vote

Bill Indefinitely Postponed

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference formed but unable to agree

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

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

LD 684

**An Act Concerning the Purchase of Liquor by Establishments
Licensed to Sell Liquor on Premises**

PUBLIC 276

SPONSOR(S)
BALDACCI

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-170

SUMMARY

This bill permits agency liquor stores to deliver liquor to establishments that are licensed to sell spirits for consumption on premises. The bill also permits establishments licensed to sell spirits for consumption on premises to purchase liquor from any state liquor store or any agency store regardless of the establishment's distance from a state liquor store.

Committee Amendment "A" (S-170) replaces the original bill. The amendment permits agency liquor stores to deliver liquor to establishments that are licensed for the sale of liquor on premises and permits on-premise licensees to purchase liquor from any state store or agency store regardless of the licensed establishment's distance from a state liquor store.

The amendment also clarifies the price of spirits sold under the Maine Revised Statutes, Title 28-A, section 606, subsection 1-A must equal the price of spirits sold at state liquor stores. An agency liquor store and an on-premise licensee shall each retain a copy of the licensee order form upon completion of the transaction.

LD 730

**An Act to Permit Inspections upon Notice by Landlords of
Apartments of At-will Tenants**

ONTP

SPONSOR(S)
CLEVELAND

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have allowed landlords of tenants-at-will to enter their dwelling units only 2 times a year for inspection and only after the landlord has given a 10-day notice.

LD 748

An Act Related to Third Parties

CARRIED OVER

SPONSOR(S)
HEESCHEN

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill would provide a procedure for 3rd parties to qualify for primaries in legislative districts and for subsequent primaries and general elections. A party would qualify for primaries in a legislative district if its candidate in the preceding general election received at least 15% of the vote in that district and had declared intent to qualify the party before that election. The bill also would provide requirements for municipal caucuses and statewide conventions.

LD 750

An Act to Protect Children from Illegal Tobacco Sales

DIED BETWEEN
BODIES

SPONSOR(S)
RICHARDSON
LAWRENCE

COMMITTEE REPORT
ONTP MAJ
OTP-AM MIN

AMENDMENTS ADOPTED

SUMMARY

The bill would have required that retail tobacco sellers obtain a license from the Bureau of Alcoholic
20 Legal Affairs

Beverages and Tobacco Sales. The bill would have imposed a licensing requirement on tobacco distributors and wholesalers. The bill also would have repealed the licensing requirements December 1, 1996 and required the Bureau of Liquor and Tobacco Enforcement to submit a report on the operation of the licensing law to the joint standing committee having jurisdiction over legal affairs by January 30, 1996.

The bill would have allowed the sale of cigarettes through vending machines, but required the vending machines to be licensed, and provided for revocation or suspension of the machine license if cigarettes were sold to minors through the machine. The bill would have imposed license fees on distributors, wholesalers and machine operators, as well as on retail licensees, to help pay for additional officers to enforce the liquor and tobacco laws. The bill also would have prohibited the sale of cigarettes in vending machines if the machine also sold products other than cigarettes. The restrictions that apply to cigarettes also would have applied to other tobacco products.

The bill would have provided a penalty for minors who misrepresented their age by producing fraudulent identification in order to purchase tobacco products. The penalty would have been a warning, a fine of between \$10 and \$50 or up to 10 hours of community service.

The bill would have required the Bureau of Health, which has recently received federal money to aid in smoking prevention for minors, to work with the Bureau of Liquor and Tobacco Enforcement to develop programs to educate tobacco sellers, minors and the general public about the laws prohibiting sale to and purchase by minors and the consequences of violating those laws.

Committee Amendment "A" (H-375), part of the minority committee report, would have added a fiscal note to the bill.

LD 754 An Act Concerning Property Tax Payment by Owners of Mobile Homes

PUBLIC 143

SPONSOR(S)
BENNETT

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

This bill requires a mobile home owner who relocates that home to provide proof of payment of property taxes before that owner may receive a building permit to install that mobile home in another municipality.

LD 760 An Act to Require Additional Landlord Disclosures

PUBLIC 211

SPONSOR(S)
BOWERS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-290

SUMMARY

This bill requires landlords to provide tenants with increased disclosure of their rights and obligations. The bill requires mobile home park owners attempting to evict tenants under certain provisions of the law to state the reasons for the terminations with sufficient specificity to enable the tenants to prepare responses.

This bill also requires landlords to disclose to tenants-at-will that their tenancies are improperly terminated unless they give the landlord a full 30 days' notice from the date the rent is due. If the landlord fails to give to the tenant this notice in writing, then the landlord can not seek payment for the final month's rent.