

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

MAY 1994

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

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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

ONTP

INDEF PP

FAILED ENACTMENT

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

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

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 unable to agree; bill died

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

5581LHS

Joint Standing Committee on Legal Affairs

LD 748 An Act Related to Third Parties

ONTP

SPONSOR(S)

HEESCHEN

COMMITTEE REPORT

ONTP MAJ
OTP-AM MIN

AMENDMENTS ADOPTED

SUMMARY

This bill would have provided a procedure for 3rd parties to qualify for primaries in legislative districts and for subsequent primaries and general elections. A party would have been able to 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 have provided requirements for municipal caucuses and statewide conventions. This bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (H-783), the minority report of the committee, would have changed from 5% to 8% the total votes that must be received in the last preceding gubernatorial or presidential election in order for a political party to qualify to participate in a primary election. The amendment would also have made a technical correction and added a fiscal note to the bill.

LD 996 An Act to Eliminate Seasonal Liquor Stores

PUBLIC 509
EMERGENCY

SPONSOR(S)

STEVENS A

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-747
H-756 DAGGETT

SUMMARY

This bill eliminates seasonal state and agency liquor stores. Transition provisions allow seasonal liquor stores existing in 1992 or 1993 to convert to year-round operation. This bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (H-747) replaces the word "commission" with "Bureau of Liquor Enforcement" throughout the bill. This correction is consistent with the Bureau of Liquor Enforcement's new role as the licensing authority for agency liquor stores.

The amendment changes the bidding requirements to establish or replace agency stores by requiring the Bureau of Liquor Enforcement to accept no bids less than \$2,000.

The amendment gives locations that were previously licensed as seasonal agency liquor stores the option of becoming year-round agency liquor stores, instead of limiting the option to only those who were seasonal agency liquor stores in 1992 or 1993. The location requirements in the Maine Revised Statutes, Title 28-A, section 453 do not apply to the previously licensed seasonal agency liquor stores that opt to convert to year-round operation. Those who wish to exercise the option of becoming year-round agency stores must submit a \$2,000 fee to the Bureau of Liquor Enforcement, along with a written statement of intent to become an agency store no later than June 30, 1994.

The amendment specifies that when a location previously licensed as a seasonal agency liquor store opts to become a year-round agency liquor store and ownership is subsequently transferred, the license becomes void. Pursuant to current law, a temporary license will be issued by the Bureau of Liquor Enforcement and then the bidding and application process for replacement of an agency store will occur.

The amendment also adds a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-756) TO COMMITTEE AMENDMENT "A" (H-747) makes technical changes to clarify the intent of the committee.

LD 1114 An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers

PUBLIC 744

SPONSOR(S)
KONTOS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1062 DAGGETT
H-969

SUMMARY

This bill makes the following changes to the laws governing the training and certification of law enforcement officers.

1. The bill specifies that the balance remaining in the Government Operations Surcharge Fund must be transferred monthly to a dedicated account within the budget of the Maine Criminal Justice Academy for local, county and state law enforcement officer training.
2. The bill increases from 15 to 17 the number of members of the board of trustees of the Maine Criminal Justice Academy.
3. The bill eliminates the requirement that the Chief of the State Police approve the core curriculum training requirements established by the board of trustees.
4. The bill specifies that the employment probationary period of a law enforcement officer may not begin until that officer successfully completes the academy program.
5. The bill requires the academy to adopt the community policing model in its training program.
6. The bill requires that all in-service training be certified by the board.
7. The bill permits the board to suspend or revoke the certificate of any person who has used deadly force that results in a death.

This bill was carried over from the First Regular Session.

HOUSE AMENDMENT "B" (H-1062) TO COMMITTEE AMENDMENT "A" replaces Committee Amendment "A" and incorporates many issues from LD 1310, An Act to Promote Professionalism in the Law Enforcement Community. This amendment makes the following changes to the laws governing the training and certification of law enforcement officers.

1. The amendment increases the membership of the Board of Trustees of the Maine Criminal Justice Academy to include 2 additional citizen members. It also adds the requirement that the 3 citizens members, the educator member and the municipal official member may not be currently and may never have been sworn officers of a law enforcement agency. The current members of the board who do not meet the new standards may serve until their terms expire.
2. The amendment requires the board to design uniform training and certification standards that equal or exceed any curriculum training requirements of the State Police effective on December 31, 1994 no later than March 1, 1995 and requires the board to report its recommendations and the necessary implementing legislation for a basic training course to the Legislature no later than April 1, 1995. The Legislature must approve any associated costs before the course may be implemented. It also