

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AND VETERANS' AFFAIRS**

JULY 1997

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Sen. Norman K. Ferguson, Jr.

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

LD 824 **An Act to Allow Limited Partnerships between Brewers and Wholesalers** **ONTP**

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

LD 824 proposed to allow brewers and wholesalers to form limited partnerships in order for the brewer to be the limited partner and the wholesaler to be the general partner. Consistent with the Maine Revised Uniform Limited Partnership Act, only the general partner would be involved in day-to-day management. The bill also proposed a 10-year maximum term for any limited partnership established pursuant to this bill.

LD 845 **An Act to Prohibit the Clerk of the House and the Secretary of the Senate from Participating in Political Activities while in Office** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL GOLDTHWAIT	ONTP	

LD 845 proposed to prohibit the Clerk of the House of Representatives and the Secretary of the Senate from participating in political activities while in office.

LD 850 **An Act to Reduce the Time Political Signs May Be Placed in the Public Right-of-Way** **ONTP**

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

LD 850 proposed to further restrict the placement of political election signs in a right-of-way from the current law of not more than six weeks before the election to not more than three weeks before the election.

LD 864 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Voting Rights** **CON RES 1**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN MILLS	OTP-AM	H-129

LD 864 proposed an amendment to the Constitution of Maine to remove language providing that persons under guardianship for reasons of mental illness are disqualified from voting and require that the proposed change be put out to referendum at the next statewide election.

Committee Amendment "A" (H-129) added a fiscal note to the resolution.

Enacted law summary

Constitutional Resolution 1997, chapter 1 proposes an amendment to the Constitution of Maine to remove language providing that persons under guardianship for reasons of mental illness are disqualified from voting and requires that the proposed change be put out to referendum at the next statewide election.

LD 867 An Act to Clarify the Requirement for Party Affiliation of Replacement Candidates ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTLAND BARTH	ONTP	

LD 867 proposed to establish the same party enrollment qualifications for replacement candidates to certain state offices as exist for candidates for primary nomination under the Maine Revised Statutes, Title 21-A, section 334. Under this bill, a replacement nominee would have to be enrolled in the same political party as the original candidate by March 15th.

LD 881 An Act to Impose Liability Upon Persons Who Entrust Motor Vehicles to Unsafe Drivers ONTP

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

LD 881 proposed to require a liquor licensee to carry a liquor liability insurance policy with minimum coverage of \$300,000 per occurrence; provide civil liability for a person who knowingly or with reason to know allowed an unlicensed driver to drive that person's vehicle; provide Class E criminal liability for a person having control of a motor vehicle who permitted another person to operate the vehicle knowing or having reason to know that the person was under the influence of alcohol or has no license or privilege to operate the motor vehicle; change the liquor liability law cap from \$250,000 plus medical expenses to \$250,000 plus all economic losses including medical expenses, loss of income or earning capacity and loss due to death and burial costs. The bill also would have divided the damages payable by the server and the intoxicated person into two parts and provided that for the first half of damages, both parties are jointly and severally liable; for the other half, the damages are divided based on percentage of fault. Finally, the bill would have altered the notice requirement.