

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

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

**JULY 1997**

***Staff:***

***Deborah C. Friedman, Legislative Analyst  
Roy W. Lenardson, Legislative Analyst***

***Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670***

***MEMBERS:***

***Sen. Beverly C. Daggett, Chair  
Sen. Richard J. Carey  
Sen. Norman K. Ferguson, Jr.***

***Rep. John L. Tuttle, Jr.  
Rep. Albert P. Gamache  
Rep. Nancy L. Chizmar  
Rep. Charles D. Fisher  
Rep. Rosita Gagne  
Rep. Paul L. Tessier  
Rep. Harry G. True  
Rep. Janice E. Labrecque  
Rep. Joseph H. Bigl  
Rep. Duane J. Belanger***



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**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](http://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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 1361**

**An Act to Amend the Laws Concerning Commercial Tenancies**

**ONTP**

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

LD 1361 proposed to allow a landlord of commercial property to exercise the right of reentry by self-help, such as changing locks or shutting off electricity, provided there is no breach of the peace and provided other conditions are met. It also would have established a separate process for forcible entry and detainer actions for commercial tenancies. It would have provided for agreements to arbitrate disputes between commercial landlords and tenants and it would have provided a presumption of abandonment of commercial premises when the tenant does not conduct business activity on the premises for a continuous period of two weeks.

**LD 1376**

**An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	
TUTTLE	OTP-AM MIN	

LD 1376 proposed to increase access to the ballot and other election processes for new parties, unenrolled candidates and unenrolled voters by requiring a 5% vote or petition requirement to be met every four years instead of every two years; allowing any registered voter to sign a petition to form a new political party so long as the voter is not enrolled in a political party other than the one being formed; clarifying the petition filing procedures for new political parties by adding a separate and earlier deadline for petitions to be submitted to local election officials before they are submitted to the Secretary of State; allowing registered voters who are not enrolled in a political party to serve as elections clerks on election day; improving access to municipal lists of registered voters; prohibiting use of the word "independent" as the name of a political party so that it may be used only by candidates who do not belong to any political party; and declaring a proposed political party to be a legally qualified political party whenever it first meets the 5% threshold requirement of collecting signatures or winning votes.

**LD 1389**

**An Act to Allow Partially Consumed Bottles of Wine to be Taken from Restaurants**

**PUBLIC 306**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	ONTP MAJ	H-308
DAGGETT	OTP-AM MIN	

LD 1389 proposed to allow restaurant patrons to transport unfinished bottles of wine purchased at the restaurant from the premises. It required that the wine must be ordered with a meal by patrons and the wine must be partially consumed on the premises. The purchaser could not be visibly intoxicated and the partially consumed bottle of wine must be resealed and bagged by the licensee.

**Committee Amendment "A" (H-308)** clarified the penalty provision and exempted the transport of liquor for partially consumed bottles of wine with certain restrictions.

***Enacted law summary***

Public Law 1997, chapter 306 allows restaurant patrons to take home an unfinished bottle of wine purchased at the restaurant, as long as the patron ordered the wine with the meal, is not visibly intoxicated and the bottle is resealed by the restaurant.

**LD 1390**

**An Act to Protect the Voting Rights of Stalking Victims**

**PUBLIC 248**

<u>Sponsor(s)</u> SAXL M KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-332
---	-----------------------------------	------------------------------------

LD 1390 proposed to prohibit a voter registrar from allowing public inspection of a voter's address if the voter has signed a statement that the physical safety of the voter or a member of the voter's family residing with the voter is jeopardized by public disclosure of the address. The address must be disclosed to law enforcement authorities who request it and to persons specified in a court order. The voter's name, political affiliation, electoral district and the sworn statement would remain subject to public inspection.

**Committee Amendment "A" (H-332)** adds a mandate preamble and changes "sworn statement" to "signed statement".

***Enacted law summary***

Public Law 1997, chapter 248 prohibits the registrar of voters from disclosing a voter's address if the voter has signed a statement that the physical safety of the voter or a member of the voter's family residing with the voter is jeopardized by public disclosure of the address.

**LD 1446**

**An Act to Require That Campaign Finance Reports Be Considered Filed on the Date They Are Postmarked**

**ONTP**

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

LD 1446 proposed to consider campaign finance reports postmarked on the date they are due to be timely filed.

**LD 1458**

**An Act to Ensure Integrity in Government by Prohibiting Contributions when the Legislature Is in Session**

**ONTP**

<u>Sponsor(s)</u> DAVIDSON LAWRENCE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
---	---------------------------------	---------------------------