

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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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 1866 proposed to grant the Maine Harness Racing Commission the authority to impose conditions on a license issued under the Maine Revised Statutes, Title 8, section 271.

Committee Amendment “A” (H-608) replaced the original bill and clarified that the commission could place conditions on a license based on the criteria established in statute.

Enacted law summary

Public Law 1997, chapter 406 gives the commission the option of imposing conditions on a license if one or more of the criteria established in statute are not met at the time the license is issued, but may be brought into compliance within a specified time period.

LD 1868

An Act to Implement the Recommendations of the Harness Racing Task Force

PUBLIC 528

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR	OTP-AM	H-690 S-410 MICHAUD

LD 1868 proposed to implement recommendations of the Harness Racing Task Force established by Executive Order No. 6 FY 95-96 to study the harness racing industry and made recommendations for improvements to the Governor and the Legislature.

The bill reorganized and clarified the regulatory, promotional and policy-making roles of the Harness Racing Commission, the Harness Racing Promotional Board and the Department of Agriculture, Food and Rural Resources. The bill replaced the full-time chair position for the Harness Racing Commission with an executive director position. The bill made the Harness Racing Promotional Board a public instrumentality. The bill clarified the license fee for racetracks and authorized the Harness Racing Commission to issue conditional licenses.

The bill provided for licensing fees for off-track betting facilities and clarified the need for annual renewals of off-track betting facility licenses and the authority of the Harness Racing Commission to approve days of operation.

The bill replaced the sections of law providing for the distribution of revenues from harness racing to make them easier to understand. It raised the cap on General Fund share to retain in the General Fund sufficient revenues to fund the costs of harness racing regulation.

Committee Amendment “A” (H-690) proposed to:

Remove the provision creating the executive director position. The position was dealt with in LD 1865;

Clarify the conditional license provision, by specifying that any conditions must be in accordance with the criteria established in that section;

Return the cap on total wagers above which the General Fund share was divided among the commercial meet account, the Sire Stakes Fund and the Stipend Fund back to the amount in current law, which is \$33,500,000. The bill raised the cap to \$37,000,000; and

Clarify how assets are to be distributed if the Harness Racing Promotional Board ceases to exist.

Senate Amendment “A” (S-410) proposed to increase the cap on total wagers above which the General Fund share was divided among the commercial meet account, the Sire Stakes Fund and the Stipend Fund from \$33,500,000 to \$35,000,000.

Enacted law summary

Public Law 1997, chapter 528 reorganizes and clarifies the regulatory, promotional and policy-making roles of the Harness Racing Commission, the Harness Racing Promotional Board and the Department of Agriculture, Food and Rural Resources and makes the Harness Racing Promotional Board a public instrumentality.

The law clarifies the license fee for racetracks, authorizes the Harness Racing Commission to issue conditional licenses, provides for licensing fees for off-track betting facilities and clarifies the need for annual renewals of off-track betting facility licenses and the authority of the Harness Racing Commission to approve days of operation.

Chapter 528 replaces the sections of law providing for the distribution of revenues from harness racing to make them easier to understand and increases the cap on total wagers above which the General Fund share is divided among the commercial meet account, the Sire Stakes Fund and the Stipend Fund \$33,500,000 to \$35,000,000.

LD 1876 **Resolve, to Allow Certain Employees to Continue to Sue the State to Recover Wages Improperly Denied under Federal Wage and Hour Laws** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS LAWRENCE		

LD 1876 proposes to waive the State’s claim to sovereign immunity in the case of Alden et al. v. State of Maine, No. CV-96-751 (Me. Super. Ct., Cum. Cty.), in which probation and parole officers are suing the State for overtime they allege is due them under federal law. The bill has been carried over to the Second Regular Session.

LD 1882 **An Act Concerning Acceptance of Campaign Contributions during Legislative Sessions** **PUBLIC 529**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-649 DONNELLY H-724 DAVIDSON

LD 1882 would have prohibited legislators and their staff and agents from soliciting and lobbyists, lobbyists associates and their employers from giving campaign contributions during the legislative session.

House Amendment “A” (H-649) would have incorporated constitutional officers to the list of people who may not solicit or accept contributions from a lobbyist, lobbyist associate or employer during a legislative session.

House Amendment “A” to House Amendment “A” (H-724) would have incorporated the provisions of House