

# 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  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*July 2003*

**Staff:**

*Danielle D. Fox, Legislative Analyst  
Lucia Nixon, Legislative Analyst*

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

**Members:**

*Sen. Kenneth T. Gagnon, Chair  
Sen. Kenneth F. Lemont  
Sen. Arthur F. Mayo III*

*Rep. Joseph E. Clark, Chair  
Rep. John L. Patrick  
Rep. Patricia A. Blanchette  
Rep. Marilyn E. Canavan  
Rep. Rodney C. Jennings  
Rep. Roger A. Landry  
Rep. Gary W. Moore  
Rep. Kevin J. Glenn  
Rep. Richard B. Brown  
Rep. Randy E. Hotham*

# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 considered by the committees. It is arranged alphabetically by committee name 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 PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> 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>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</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>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

*Joint Standing Committee on Legal and Veterans' Affairs*

**LD 121**

**An Act to Amend the Laws Governing Push Polling**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	ONTP MAJ OTP-AM MIN	

LD 121 proposed to define a "push poll" as a paid telephone survey that references a candidate when any one of those factors is present. Under current law, a "push poll" is defined as a paid telephone survey that references a candidate when all of the following factors are present: a list is used to select respondents based on demographic or political characteristics; the survey fails to make inquiries that would allow for the tabulation of results based on a relevant subset of the population; the pollster does not collect or tabulate survey results; the survey prefaces a question regarding support for a candidate on the basis of an untrue statement; and the survey is primarily for the purpose of suppressing or changing the voting position of the call recipient.

**Committee Amendment "A" (S-96)**, which was not adopted, proposed to replace the bill. This amendment proposed to amend the definition of a push poll to define a push poll as a survey that includes a question regarding support for a candidate on the basis of an untrue statement or a survey that is primarily for the purpose of suppressing or changing the voting position of the call recipient. This amendment was not adopted.

**LD 122**

**An Act Regarding the Sampling of Products**

**PUBLIC 69**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	OTP-AM	S-19

LD 122 proposed to amend current law to allow a partial bottle of wine as a sample. The bill proposed to require the wholesale licensee to document the amount of product sampled along with other details of the sampling. Additionally, this bill proposed to bring state law into compliance with federal law concerning the amount of beer and wine samples that may be given to a retail licensee on an annual basis.

**Committee Amendment "A" (S-19)** proposed to replace the bill. It specified that partial-bottle wine samples may be provided to liquor licensees and must be properly sealed between tastings. It also proposed to increase the annual limit for samples provided to retail licensees from 3 gallons of malt beverage and 3 gallons of wine to 9 gallons of malt beverage and 9 liters of wine.

***Enacted Law Summary***

Public Law 2003, chapter 69 amends current law to allow a partial bottle of wine as a sample. The law also requires a wholesale licensee to document the amount of product sampled along with other details of the sampling. Additionally, this law brings state law into compliance with federal law concerning the amount of beer and wine samples that may be given to a retail licensee on an annual basis.