

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

August 2005

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

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

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 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Legal and Veterans' Affairs

LD 77

An Act To Require Valid Identification for Purchases of Liquor

PUBLIC 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM A	H-28
MAYO	ONTP B	
	OTP C	

LD 77 proposed to require a person, regardless of that person's age, to present identification at the time of purchase of liquor.

Committee Amendment "A" (H-28) was the majority report and proposed to replace the bill. The amendment proposed to prohibit a licensee or licensee's employee or agent from selling, furnishing, giving or delivering liquor or imitation liquor to a person under 27 years of age unless that person provides a reliable photographic identification showing that person is not a minor.

Enacted law summary

Public Law 2005, chapter 38 prohibits a licensee or licensee's employee or agent from selling, furnishing, giving or delivering liquor or imitation liquor to a person under 27 years of age unless that person provides a reliable photographic identification showing that person is not a minor.

LD 90

An Act Concerning the Confidentiality of Records Held by the Gambling Control Board

**PUBLIC 11
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-47
HOTHAM		

LD 90 proposed to authorize the members of the Gambling Control Board to receive legislative per diem when they meet. It also proposed to make confidential, certain information and records received by the board or the Department of Public Safety as part of an application for licensure and contracting for a central site monitoring system.

Committee Amendment "A" (S-47) proposed to replace the bill. This amendment would make certain records confidential as an exception to the law that provides for public access to records used in the course of government. Records that would be designated confidential under this amendment would be those that are included in application and licensing materials and contain the following:

1. Trade secrets and proprietary information that if released would be competitively harmful to the submitter of the information;
2. Information that the Gambling Control Board determines is an unwarranted invasion of personal privacy. The board may release a summary of that information if the board determines it is necessary to describe the basis of an action taken by the board;
3. Financial, statistical and surveillance information from the central site monitoring system, except that the board shall use this information to publicly report on money credited to players and distributed to the State;

Joint Standing Committee on Legal and Veterans' Affairs

4. Independent reports of creditworthiness or financial condition of any person or project, except that the conclusion and a summary of that assessment will be publicly available;
5. Records used to determine suitability of a 3rd-party operator of the central site monitoring system;
6. Information obtained from another state that is confidential in that state;
7. Information designated confidential by federal law; and
8. Personally identifying information.

The amendment would specify that information that is otherwise public will remain public. The amendment proposed to allow for relevant confidential information to be shared among law enforcement agencies in the course of investigating violations of law in this State and other jurisdictions and allow for some confidential records to be shared with the consent of the licensee or applicant. The amendment proposed to require the board and the applicant or licensee to summarize certain business records that would otherwise be confidential in a way that maximizes public access to that information. This amendment would designate as confidential records in possession of the Gambling Control Board or the Department of Public Safety prior to the effective date of this amendment whether or not those records were confidential upon receipt. Current law governing the enforcement of the laws relative to slot machine facilities at commercial racetracks prescribes that some confidential information becomes public when a proceeding is complete. This amendment would specify that the records designated confidential by this amendment would be subject to that public disclosure when a proceeding regarding noncompliance with or violation of the law governing slot machine operations is complete.

Enacted law summary

Public Law 2005, chapter 11 makes certain records confidential as an exception to the law that provides for public access to records used in the course of government. Records that are designated confidential under this amendment are those that are included in application and licensing materials and contain the following:

1. Trade secrets and proprietary information that if released would be competitively harmful to the submitter of the information;
2. Information that the Gambling Control Board determines is an unwarranted invasion of personal privacy. The board may release a summary of that information if the board determines it is necessary to describe the basis of an action taken by the board;
3. Financial, statistical and surveillance information from the central site monitoring system, except that the board shall use this information to publicly report on money credited to players and distributed to the State;
4. Independent reports of creditworthiness or financial condition of any person or project, except that the conclusion and a summary of that assessment will be publicly available;
5. Records used to determine suitability of a 3rd-party operator of the central site monitoring system;
6. Information obtained from another state that is confidential in that state;
7. Information designated confidential by federal law; and
8. Personally identifying information.

Joint Standing Committee on Legal and Veterans' Affairs

Chapter 11 specifies that information that is otherwise public will remain public. The law allows for relevant confidential information to be shared among law enforcement agencies in the course of investigating violations of law in this State and other jurisdictions and allows for some confidential records to be shared with the consent of the licensee or applicant. It requires the board and the applicant or licensee to summarize certain business records that are otherwise confidential in a way that maximizes public access to that information. It designates as confidential, records in possession of the Gambling Control Board or the Department of Public Safety prior to the effective date of this law whether or not those records were confidential upon receipt. Finally, this law specifies that the records designated confidential by this chapter would be subject to that public disclosure when a proceeding regarding noncompliance with or violation of the law governing slot machine operations is complete.

LD 90 as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434 which requires review and evaluation of new exceptions to laws governing public records.

Public Law 2005, chapter 11 was enacted as an emergency measure and took effect March 31, 2005.

LD 91 An Act To Amend the Law Governing the Storage of Spirits ONTP

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

LD 91 proposed to amend the law governing the storage of spirits by a reselling agent. It also proposed to allow transactions related to the sales of spirits to an on-premises licensee to occur at the storage facility.

LD 100 Resolve, Requiring the Secretary of State To Develop Voting RESOLVE 19 Systems Standards EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK GAGNON	OTP-AM	H-129 H-170 PATRICK

LD 100 proposed to direct the Secretary of State to convene a stakeholders group to develop for the State certain voting systems standards required by the federal Help America Vote Act of 2002, Public Law 107-252, section 301.

Committee Amendment "A" (H-129) proposed to specify that the stakeholders group consists of 6 members of the public with experience with elections and election recounts appointed by the President of the Senate and the Speaker of the House. This amendment would also change the reporting date to May 2, 2005.

House Amendment "A" to Committee Amendment "A" (H-170) proposed to change the reporting date of the stakeholders group to June 1, 2005.

Enacted law summary