

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*July 2006*

**Members:**

*Sen. Kenneth T. Gagnon, Chair  
Sen. Elizabeth H. Mitchell  
Sen. Debra D. Plowman*

*Rep. John L. Patrick, Chair  
Rep. John L. Tuttle, Jr.  
Rep. Charles D. Fisher  
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*Rep. David N. Ott  
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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second 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 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

*Joint Standing Committee on Legal and Veterans Affairs*

**LD 560**

**Resolve, Directing the Department of Public Safety To Study the Issues of Alcohol Regulation and To Review the Impact of Out-of-state Sales and Direct Distribution to Maine Consumers**

**RESOLVE 206**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDELL	ONTP MAJ	H-1055 VALENTINO
PLOWMAN	OTP-AM MIN	H-975

LD 560 proposed to allow an out-of-state shipper to ship wine or malt liquor directly to a resident of this State who is 21 years of age or older for that resident's personal use.

**Committee Amendment “A” (H-527)**, which was not adopted, was the minority report. It proposed to remove malt liquor from the language permitting shipment of alcoholic beverages directly to consumers and permits only wine to be directly shipped to a Maine resident from another state. It would limit the amount of wine a person can ship directly to residents of the State to 50 cases per year and to 5 cases per individual per year.

LD 560 was carried over by the Legal and Veterans’ Affairs Committee to the Second Regular Session of the 122<sup>nd</sup> Legislature.

**Committee Amendment “B” (H-975)** proposed to replace the bill and was the minority report of the committee when the bill was taken up again after being carried over from the First Special Session. This amendment proposed to establish a wine connoisseur permit. This permit would provide that a person may have up to 12 cases of wine shipped from in-state or out-of-state wineries by way of a common carrier. The fee for a wine connoisseur permit would be \$50 and the annual renewal fee would be \$25. The holder of a wine connoisseur permit would be required to pay all applicable taxes and must retain records of wine shipments for 2 years. The amendment would require the holder of a permit to provide the nearest wine wholesaler the opportunity to obtain the wine. The wholesaler would have 48 hours to identify a retail location where that wine would become available for sale. This amendment would provide that the fee for the permit is waived if the applicant for the permit shows proof that the applicant made a purchase from a farm winery in Maine within the previous 6 months. Finally, this amendment proposed to grant routine technical rulemaking authority to the Department of Public Safety, Division of Liquor Licensing and Compliance to ensure that bottles of wine received using a wine connoisseur permit comply with the bottle deposit law.

**House Amendment “A” to Committee Amendment “B” (H-1005)**, which was not adopted, proposed to establish a wine connoisseur permit. This permit would provide that a person may have up to 6 cases of wine per year shipped from a specialty wine permittee by way of a common carrier. The fee for a wine connoisseur permit would be \$50 per year. The holder of a wine connoisseur permit would be required to pay all applicable taxes and must retain records of wine shipments for 2 years. This amendment would also grant routine technical rule-making authority to the Department of Public Safety, Division of Liquor Licensing and Compliance to ensure that bottles of wine received using a wine connoisseur permit comply with the bottle deposit law. The amendment would also establish a specialty wine permit. The permit would provide that a person who ferments, ages and bottles that person's own wine may ship up to 50 cases of wine to qualified wine connoisseur permittees during a 12-month period. The annual fee for a specialty wine permit would be \$25. The amendment also proposed to grant routine technical rule-making authority to the bureau to ensure that specialty wine permittees sell and deliver the wine only to qualified wine connoisseur permittees and to include annual reporting guidelines in the rules.

## *Joint Standing Committee on Legal and Veterans Affairs*

**House Amendment “B” to Committee Amendment “B” (H-1016)**, which was not adopted, proposed to replace the bill with a resolve. The resolve directs the Liquor Licensing and Tax Division within the Department of Public Safety to conduct a study and convene a meeting of interested stakeholders to review and study the laws of alcohol regulation, including the issues associated with out-of-state sales and direct distribution to consumers in the State. The study would require a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters by January 30, 2007.

**House Amendment “C” to Committee Amendment “B” (H-1055)** proposed to replace the bill with a resolve. The resolve directs the Liquor Licensing and Tax Division within the Department of Public Safety to conduct a study and convene a meeting of interested stakeholders to review and study the laws of alcohol regulation, including the issues associated with out-of-state sales and direct distribution to consumers in the State. The study would require a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters by January 30, 2007.

### *Enacted Law Summary*

Resolve 2005, chapter 206 directs the Liquor Licensing and Tax Division within the Department of Public Safety to conduct a study and convene a meeting of interested stakeholders to review and study the laws of alcohol regulation, including the issues associated with out-of-state sales and direct distribution to consumers in the State. The study requires a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters by January 30, 2007.

**LD 1112**                      **RESOLUTION, Proposing an Amendment to the Constitution of**                      **ONTP**  
**Maine To Change the Legislative Term to 4 years**

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

LD 1112, a Resolution to amend the Constitution of Maine, proposed to change Legislators' terms to 4 years in time for the general election in 2006. Under this proposal, the Legislature would meet every year, but business in the 2nd year and 4th year would be restricted as it is presently in the 2nd year.

**LD 1145**                      **An Act To Allow Tournament Games for Charitable Purposes**                      **DIED ON**  
**ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK BRYANT B	OTP-AM	H-550

LD 1145 proposed to authorize nonprofit organizations and federally recognized Indian tribes who are licensed to conduct high-stakes beano to conduct Texas hold 'em poker games in which a player must pay a \$100 fee to play, of which \$25 goes to the nonprofit organization or Indian tribe.