

# **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*

**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*

*Rep. Patricia A. Blanchette*

*Rep. Linda M. Valentino*

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*Rep. Richard B. Brown*

*Rep. Gary W. Moore*

*Rep. David N. Ott*

*Rep. Wright H. Pinkham, Sr.*

*Rep. Frederick J. Moore, III*

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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](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:

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***

**Committee Amendment "A" (H-527)** is the minority report. It removes 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 limits 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. This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 572**

**An Act To Eliminate Term Limits in the Legislature**

**DIED BETWEEN  
HOUSES**

Sponsor(s)  
STRIMLING  
THOMPSON

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted

LD 572 is being carried over to the next special or regular session of the 122<sup>nd</sup> Legislature and proposes to eliminate term limits for Legislators.

**Committee Amendment "A" (S-278)** proposed to replace the bill. It would repeal term limits for Legislators who serve their first nonconsecutive term beginning December 3, 2006. The amendment also would require that the voters of the State vote on this matter at the general election held in 2006.

**House Amendment "A" to Committee Amendment "A" (H-627)** proposed to remove the language added by Committee Amendment "A" that applied the repeal of term limits only to Legislators who serve their first nonconsecutive terms beginning December 3, 2006.

**Senate Amendment "A" to Committee Amendment "A" (S-307)** proposed to remove the language added by Committee Amendment "A" that applied the repeal of term limits only to Legislators who serve their first nonconsecutive terms beginning December 3, 2006.

**LD 611**

**An Act To Strengthen Tenants' Rights When There Is a Failure To  
Correct a Dangerous Condition**

**PUBLIC 78**

Sponsor(s)  
CAIN

Committee Report  
OTP

Amendments Adopted

LD 611 proposed to amend the law governing the repair of rental units by a tenant at the landlord's expense. Under current law, if a landlord fails to fix a problem in a rental unit that endangers or materially impairs the health or safety of a tenant after receiving notice of the problem from the tenant, the tenant may fix the problem at the landlord's expense if the cost to fix the problem is less than \$250 or an amount equal to ½ the monthly rent, whichever is greater. This bill proposed to allow the tenant to fix the problem if it costs less than \$500 or an amount equal to ½ the monthly rent, whichever is greater.

### ***Enacted law summary***

Public Law 2005, chapter 78 amends the law governing the repair of rental units by a tenant at the landlord's expense. Under current law, if a landlord fails to fix a problem in a rental unit that endangers or materially