

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
Rep. Randy E. Hotham
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).

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.

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LD 779 proposed to allow the nonparticipating Maine Clean Election Act candidate who is required to file these 2 reports to do so by telephone.

LD 792 **An Act To Allow Limited Partnerships between Brewers and Wholesalers** **ONTP**

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

LD 792 proposed to allow brewers and wholesalers to form limited partnerships where the brewer would be the limited partner while the wholesaler would be the general partner. Consistent with the Maine Revised Uniform Limited Partnership Act, only the general partner would be involved in day-to-day management. The bill also proposed to provide a 10-year maximum term for any brewer and wholesaler limited partnership. Currently, because brewers are not permitted by law to have a financial interest in a wholesaler, brewers cannot provide financing to prospective wholesalers who may have the necessary business expertise but who lack sufficient capital with which to buy a malt liquor distributorship.

Committee Amendment "A" (S-252) was the committee's the minority report and proposed to require a certificate of approval holder to have a prior business relationship with the wholesale business being acquired by the wholesale licensee before entering into a partnership with that wholesaler. It also proposed to specifically prohibit the certificate of approval holder from participating in the daily operations of the partnership.

LD 804 **An Act To Prohibit Clean Election Candidates from Using Clean Money for Personal Profit or Use** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY BARTLETT	ONTP	

LD 804 proposed to prohibit a Maine Clean Election Act candidate or a family member of the candidate from using funds from the Maine Clean Election Fund for personal travel expenses and mileage or personal items.

LD 822 **An Act Regarding Fundraising for Clean Election and Traditional Candidates in Leadership Races** **ONTP**

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

LD 822 proposed to allow a candidate for a legislative leadership position to raise up to \$10,000 in a calendar year for a leadership allowance to be used in the campaign for the leadership position. Contributions to a

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leadership allowance would be prohibited from exceeding \$250 and could not come from corporations, political action committees or lobbyists. As proposed by this bill, funds in a leadership allowance could not be used in campaigns for legislative seats. The leadership allowance would be available to both regular and Maine Clean Election Act candidates.

LD 829 **Resolve, To Raise a Monument for Women Veterans of Maine** **RESOLVE 116**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENNINGS	OTP-AM	H-353

LD 829 proposed to direct the Capitol Planning Commission to raise and maintain a monument to women veterans of the State. It also proposed to allow the commission to accept gifts and private contributions to assist in achieving this goal.

Committee Amendment "A" (H-353) proposed to replace the bill and establish an 8-member commission to arrange for a monument to honor the women veterans of Maine. It would require the commission to submit its initial report for review by the Capitol Planning Commission by January 2, 2006 and a final report by March 1, 2006.

Enacted law summary

Resolve 2005, chapter 116 establishes an 8-member commission to arrange for a monument to honor the women veterans of Maine. It requires the commission to submit its initial report for review by the Capitol Planning Commission by January 2, 2006 and a final report by March 1, 2006.

LD 855 **An Act To Limit In-kind Contributions to Maine Clean Election Act Candidates** **ONTP**

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

Current law prohibits candidates participating in the Maine Clean Election Act from receiving contributions as a term of participation. LD 855 proposed to consider discounts on campaign materials to be contributions if the cost of the materials is less than 75% of the expected market cost. Under this bill, expected market cost would be determined by the Commission on Governmental Ethics and Election Practices using an annually updated index of prices based on data from campaign finance reports.

Committee Amendment "A" (H-312) proposed to replace the bill. Under this amendment, if a candidate purchases campaign materials at a cost that is less than fair market value, the difference between the price paid and the fair market value is considered a contribution to the candidate. Fair market value would be determined using an index created by the Commission on Governmental Ethics and Election Practices.