

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
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

August 2005

Staff:

*Danielle D. Fox, Legislative Analyst
Curtis Bentley, 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. 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*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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 1154 **An Act To Recognize and Regulate the Proper Formation of Minor Political Parties** **ONTP**

| | | | | |
|------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> LINDELL | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|------------------------------|--|---------------------------------|--|---------------------------|

LD 1154 proposed to allow the formation of minor political parties in the State. Minor political parties would be organized by holding at least one municipal caucus in every county and nominate candidates through a party committee nominating process.

LD 1155 **An Act To Prohibit the Sale and Use of Vaporized Alcohol and Alcohol Vaporizing Devices** **PUBLIC 259**

| | | | | |
|---|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> BRYANT M BRYANT B | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-413 |
|---|--|-----------------------------------|--|------------------------------------|

LD 1155 proposed to prohibit selling, furnishing, giving away, using, possessing and offering to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device. Using vaporized alcohol or an alcohol vaporizing device would be a civil violation for which a fine would be adjudged and the court could order community service, counseling or treatment. Selling, furnishing, giving away, possessing or offering to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device would be a civil violation for which a fine would be adjudged. A 2nd offense for selling, furnishing, giving away, possessing or offering to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device would be a Class E crime for which a fine would be adjudged, and, if the person is a licensee for the on-premises or off-premises sale of liquor, the court could order a suspension of the license for up to one year.

Committee Amendment "A" (H-413) proposed to remove the proposed prohibition on possessing vaporized alcohol or an alcohol vaporizing device and would create an exception for medical and scientific research to the prohibition on using, selling, furnishing or giving away vaporized alcohol or alcohol vaporizing devices. The amendment would also make technical changes to the penalty provisions of the bill.

House Amendment "A" (H-434) proposed to delay the prohibition of vaporized alcohol and vaporized alcohol devices until January 1, 2008. This amendment would direct the Department of Health and Human Services to study the safety and risks associated with the use of alcohol vaporizing devices in comparison to the more traditional means of consuming alcohol and to report its findings and recommendations to the Joint Standing Committee on Legal and Veterans Affairs by January 2, 2006.

Enacted law summary

Public Law 2005, chapter 259 prohibits selling, furnishing, giving away, using and offering to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device. It makes a violation of that prohibition a civil violation and subsequent offenses Class E crimes and, if the person is a licensee for the on-premises or off-premises sale of liquor, it authorizes the court to order a suspension of the license for up to one year. Public Law 2005, chapter

Joint Standing Committee on Legal and Veterans' Affairs

259 also provides an exemption to the prohibitions regarding vaporized alcohol and alcohol vaporizing devices for medical and scientific research.

LD 1169 **An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| PATRICK BRYANT B | ONTP | |

LD 1169 proposed to allow operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under the Internal Revenue Code, Section 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections would be able to apply for an initial license while they seek the required federal tax status. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

As proposed by this bill, video gaming terminals operated by organizations licensed under this bill would be required to be owned or leased by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. Video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals and would also be required for renewal of a license to operate video gaming terminals, and municipal decisions would be subject to appeal to the Chief of the State Police in accordance with the Maine Administrative Procedure Act.

The license would specify the number of video gaming terminals allowed on the premises, and the maximum number of terminals allowed would be 5 per licensee. Terminals would be licensed by the Chief of the State Police and must be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a 5-year phase-in period, this computer system would provide continuous on-line monitoring of video gaming terminal activity. Persons under 21 years of age would not allowed to use the machines. The bill proposed to specify that if an organization's liquor license is suspended, the license to operate video gaming terminals would also suspended until the liquor license is reinstated. Only members of the organization and their guests would be allowed to play. The maximum dollar amount for each play would be \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, would be divided among the State, the municipalities, a compulsive gambling fund for prevention and treatment of compulsive gambling and the charitable organization. The bill proposed to provide that 2% of the net terminal income go to the Compulsive Gambler Rehabilitation Fund and 65% to the licensee. The bill proposed to provide that 23% of the net terminal income goes to the State for payment into the Video Gaming Fund for administrative expenses not to exceed 10%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the municipalities