

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LEGAL AND
VETERANS' AFFAIRS**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Legal and Veterans Affairs

This amendment removes the authority to sell the armory in Brewer as provided in the bill. It also defines "emergency management exercise" and requires the Director of the Maine Emergency Management Agency to develop and conduct a program of annual emergency management exercises. This amendment also authorizes the Maine Veterans' Homes to develop community outpatient clinics as well as hospice and housing facilities for veterans. The amendment also clarifies who the Maine Veterans' Homes support and care for as their primary purpose.

Enacted Law Summary

Public Law 2007, chapter 167 makes the following changes to the laws governing the Department of Defense, Veterans and Emergency Management:

1. It allows the Commissioner of Defense, Veterans and Emergency Management to sell armories in Bath, Portland, Westbrook, Presque Isle and Caribou;
2. It implements the recommendations of the Governor's Maine Veterans' Memorial Cemetery Working Group;
3. It expands the use of the Dam Repair and Reconstruction Fund to pay for emergency costs incurred for actions taken to protect life and property in emergency situations; and
4. It affects the tuition waiver benefit for spouses and dependents of veterans by:
 - A. Requiring at least 5 years of marriage by a veteran to the parent of a veteran's stepchild before the stepchild is eligible for education benefits;
 - B. Limiting to 8 semesters, which must be completed within 10 years, the benefit provided to spouses of veterans; and
 - C. Requiring the child of a veteran to maintain a "C" or better average to continue to receive benefits.

This law also defines "emergency management exercise" and requires the Director of the Maine Emergency Management Agency to develop and conduct a program of annual emergency management exercises. This law authorizes the Maine Veterans' Homes to develop community outpatient clinics as well as hospice and housing facilities for veterans. Chapter 167 also clarifies who the Maine Veterans' Homes support and care for as their primary purpose.

LD 1121 An Act To Provide That Lottery Proceeds Be Devoted to Public or Charitable Uses

ONTP

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

This bill amends the law that determines how revenues from the Maine State Lottery are appropriated. This bill provides that after prize payments and covering the cost of administrative expenses, revenues from the lottery will be divided equally among 20 state funds, nonprofit organizations, charities and scholarships. The bill repeals the provision that creates a separate game for the Maine Outdoor Heritage Fund but includes the fund among the list of those that will receive lottery revenue.

LD 1124 An Act To Create an Ownership Interest in Agency Liquor Store Licenses

PUBLIC 117

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE EDMONDS	OTP-AM	H-116

Joint Standing Committee on Legal and Veterans Affairs

Current law provides that an agency store license, a license to sell spirits as an agent of the state that controls the sale of spirits, is not transferable but allows for someone to take over the license temporarily until a new licensee is selected. In this event, the bureau would post notice of an available license and accept applications. The bureau selects a new licensee based on criteria established in law. It may or may not be the temporary license holder.

This bill requires the transfer of an agency liquor store license if the new owner meets the eligibility qualifications that license applicants are required to meet and if the physical premises of the establishment remains unchanged.

The initial license fee in current law for an agency liquor store is \$2000. Under this bill, the same fee would apply to a transferee. Renewal license fees are \$300 annually.

Committee Amendment "A" (H-116)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 117 requires the transfer of an agency liquor store license if the new owner meets the eligibility qualifications that license applicants are required to meet and if the physical premises of the establishment remain unchanged.

LD 1136 An Act To Amend the Commission on Governmental Ethics and Election Practices' Appointment Process

PUBLIC 252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN EDMONDS	OTP-AM	H-336

This bill requires the parties to submit a list of nominees for a vacancy on the Commission on Governmental Ethics and Election Practices within 60 days of the vacancy or the Governor has the power within 30 days after to appoint a nominee as the Governor determines.

Committee Amendment "A" (H-336)

This amendment replaces the proposal made by the bill that would have required the Governor to appoint a candidate to fill a vacancy for the 5th member of the Commission on Governmental Ethics and Election Practices if the leaders of each party from both bodies of the Legislature fail to provide a jointly derived list of 3 qualified candidates within 60 days of the vacancy's being created. The amendment provides that if the jointly derived list is not presented to the Governor within 60 days of the vacancy's being created, then within the subsequent 15 days each party from both bodies of the Legislature shall present a separate list to the Governor, who shall appoint a candidate within 30 days of receiving the lists.

Enacted Law Summary

Public Law 2007, chapter 252 establishes a process to fill a vacancy for the 5th member of the Commission on Governmental Ethics and Election Practices if the leaders of each party from both bodies of the Legislature fail to provide a jointly derived list of 3 qualified candidates within 60 days of the vacancy's being created, as required by current law. Chapter 252 provides that if the jointly derived list is not presented to the Governor within 60 days of the vacancy's being created, then within the subsequent 15 days each party from both bodies of the Legislature shall present a separate list to the Governor, who shall appoint a candidate within 30 days of receiving the lists.