

# MAINE STATE LEGISLATURE

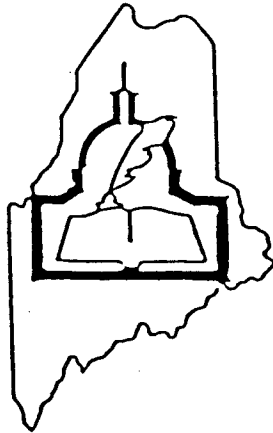
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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON  
LEGAL AFFAIRS  
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE  
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JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

The new draft also allows the Commission to establish a second discount liquor store. This one must be located near Exit 1 of the Turnpike.

House Amendment "A" (H-621) removed the 10-mile waiver and amended the title to refer to only the new discount liquor store.

House Amendment "B" (H-623) waived the 10-mile requirement when the Commission cannot make a reasonable return on the state store within the 10 miles because of increase in rent. (Not enacted)

LD

2301 AN ACT TO PROVIDE A LIQUOR LICENSE FOR  
AUDITORIUMS

PL 1985  
c. 690

Sponsor: DIAMOND, J., Michael, Lebowitz, Baldacci  
Committee Report: OTP-AM

H-686 CA H S

SUMMARY: Current law allows civic auditoriums and non-profit performing arts centers to hold liquor licenses, but not similar private, for-profit facilities. This bill makes auditoriums eligible to sell beer and wine for consumption on the premises. It includes a 2-year sunset.

Committee Amendment "A" expands the license to include the sale of spirituous liquor, and prohibits sale and consumption in the seating areas.

LD

2323 AN ACT RELATING TO LIQUOR EXCISE TAXES AND  
FREIGHT RATES AND MAKING OTHER CHANGES IN THE  
LIQUOR LAWS

HELD BY  
GOVERNOR

Sponsor: REEVES, Trafton, Masterman, Rioux  
Committee Report: New Draft of LD 1905

S-461 TRAFTON H S  
S-462 BALDACCI

SUMMARY: The original purpose of this bill was to revise the liquor mark-up procedure to remove the unconstitutional factors. By doing so, the bill would have eliminated the overall special preference the Maine producer is given by the Commission; special treatment is retained through the "market participant doctrine." Other corrections in title 28 are included in the new draft.

Senate Amendment "A" (S-461) removes the special provision to allow a cruise ship owned by a Certificate of Approval Holder to sell liquor in Maine waters.

Senate Amendment "B" (S-462) removes the special preference for in-state producers. (Not enacted)

The new draft was held by the Governore for changes in the Special Session.

LD            AN ACT TO AUTHORIZE CERTIFIED LAW ENFORCEMENT            PL 1985  
2363        OFFICERS TO PROSECUTE VIOLATIONS OF MUNICIPAL            c. 742  
             ORDINANCES

Sponsor: MURPHY, T., Sewall, Paul, Drinkwater  
Committee Report: New Draft of LD 2236

SUMMARY: The original bill allows any police officer to prosecute a city or town ordinance. The new draft allows law enforcement officers who are certified as being familiar with court procedures, and authorized by the municipal officers, to prosecute ordinance violations. The new draft clarifies certification procedures.

LD            RESOLVE, TO COMPENSATE JOHN P. TAYLOR OF            RESOLVE 1985  
2376        AUGUSTA AS PERSONAL REPRESENTATIVE OF THE            c. 84  
             ESTATE OF SHARON TAYLOR, ALSO OF AUGUSTA

Sponsor: BUSTIN, Hickey, Paradis, P., Sproul  
Committee Report: New Draft of LD 2238

SUMMARY: The original bill allowed the Estate of Sharon Taylor, killed by a patient of the Augusta Mental Health Institute, to sue the State for wrongful death for up to \$500,000.

The new draft (LD 2376) is a settlement consisting of an immediate payment by the State of \$25,000, and the investment of \$50,000 by the State in an annuity which will pay \$175,000 over time. The \$75,000 will be paid out of current resources within the Department of Finance and Administration, and will not require an appropriation from the General Fund.