

# STATE OF MAINE 114TH LEGISLATURE FIRST REGULAR SESSION



## BILL SUMMARY JOINT STANDING COMMITTEE ON LEGAL AFFAIRS

# **JULY 1989**

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## ONE HUNDRED AND FOURTEENTH LEGISLATURE FIRST REGULAR SESSION

## JOINT STANDING COMMITTEE BILL SUMMARIES AUGUST 1989

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. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

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

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

<u>SPONSOR(S)</u>	COMMITTEE REPORT	AMENDME	NTS ADOPTED
TWITCHELL	OTP-AM	H-685	CONF COMM
WALKER			

# JACKSON

## SUMMARY

This bill requires that all persons who sell liquor, in an on-premise or off-premise retail establishment, obtain a seller's permit from the State Liquor Commission. To be eligible for a permit, one must meet a number of criteria listed in the bill. The key criterion listed is successful completion of an alcohol servers' course approved by the Commissioner of Public Safety.

Committee Amendment "A" substantially revises the bill. The amendment delays application of the bill until July 1, 1990. The amendment removes the requirement that all servers be trained in alcohol safety. The amendment substitutes the requirement that retail licensees be trained in alcohol safety as a condition of obtaining or retaining their retail licenses. The amendment exempts those who have held a retail license for 5 or more years from this requirement. The amendment also reduces the fees and term of the retail seller's permit and establishes license categories distinguishing among those who have received training and those who have not. The amendment exempts those who have worked as servers for 5 or more consecutive years from paying the permit fee. The amendment includes reporting provisions designed to inform the Legal Affairs Committee of the commission's progress in implementing the amendment's provisions. In addition, the amendment includes appropriations and allocations needed to carry out its mandates.

The Committee of Conference Amendment substantially replaces Committee Amendment "A". The conference amendment requires that, after July 1, 1990, an applicant for a retail liquor license successfully complete an examination designed by the Bureau of Liquor Enforcement which demonstrates the applicant's understanding of the liquor laws. The amendment also prohibits hiring a person convicted of furnishing liquor to a minor or illegal sale of liquor within the past 5 years a Class E crime. As a means of enforcing this ban, the amendment requires an applicant for a position involving retail service of alcohol to sign an affidavit stating that the applicant has not been convicted of the 2 crimes noted above within the past 5 years. False swearing on this affidavit is made a Class E crime. The Committee of Conference Amendment clarifies the Administrative Court's jurisdiction over non-criminal violations by both licensees and retail employees.

LD 274	An Act to Permit Law Enforcement Officers to Solicit Funds	P&S47
	for a Law Enforcement Officers' Memorial	EMERGENCY

SPONSOR(S) LUDWIG NORTON CARROLL J PAUL <u>COMMITTEE\_REPORT</u> OTP-AM AMENDMENTS ADOPTED H-451 PRIEST S-161

#### SUMMARY

This bill proposes an exception to the prohibition on solicitation by law enforcement officers. The bill allows law enforcement officers, not in uniform, to solicit funds for a memorial commemorating law enforcement officers slain in the line of duty.

Committee Amendment "A" imposes restrictions and conditions on the exception to the ban on solicitation. The amendment allows the solicitation to continue for 1 year only, limits the amount of

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funds allowed to be collected to \$150,000, makes the Maine Chiefs of Police Association responsible for overseeing the fundraising project, and requires an officer to obtain the written consent of the head of the law enforcement agency employing that officer before soliciting for the memorial.

House Amendment "A" amends Committee Amendment "A" to delete reference to the memorial's location. The committee amendment requires the Maine Chiefs of Police Association to select the location.

## LD 284 Resolve, to Allow Rickie Harvath of Blaine to Bring Civil ONTP Action Against the State of Maine

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MACBRIDE	ONTP	

#### SUMMARY

This resolve authorizes Ricky Harvath, to sue the State for deprivation of his civil rights in the course of his arrest for illegal possession of marijuana and moose parts.

## LD 291 An Act to Clarify the Position and Authority of Inspectors LV/WD and Fire Investigators in the Office of State Fire Marshal

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HICKEY	LV/WD	
DILLENBACK		
STEVENSON		
TUPPER		

#### SUMMARY

This bill changes the law regarding the law enforcement authority of personnel of the State Fire Marshal's Office in two ways.

First, the bill, reflecting a change in the organizational structure of the Fire Marshal's office, clarifies that fire investigators but not fire inspectors are vested with powers of arrest.

Secondly, the bill proposes an expansion of the powers of arrest of fire investigators. The bill grants fire investigators the same law enforcement authority as sheriffs within their respective counties.

LD 312	An Act to Establish Consistent Daily Hours for the Sale of	OTP-AM
	Alcoholic Beverages	

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	AMENDMENTS ADOPTED
MURPHY	OTP-AM	H-247
BALDACCI		

#### SUMMARY

This bill allows sales of liquor on Memorial Day and Sundays to commence at 6 a.m. and continue until 1 a.m.

Committee Amendment "A" strikes that part of the bill which allows sales to begin before noon on Memorial Day and allows Sunday sales of liquor, in communities which have not prohibited Sundays sales, to begin at 11 a.m.

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