

# 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.

# LD 741 An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FARNSWORTH	OTP-AM	H-233
NORTON		

#### SUMMARY

MATTHEWS

This bill removes the dollar limit on the value of the prize that may be awarded in a raffle conducted under a special exempt raffle license.

Committee Amendment "A" makes a number of changes in the law regarding special exempt raffles. The amendment prohibits awarding cash prizes over \$10,000. The amendment increases, from \$25,000 to \$75,000, but does not remove the limit on the maximum prize awarded in a special exempt raffle. The amendment makes several changes regarding information required to be printed on raffle tickets and retention of unsold tickets. The amendment also clarifies that a printer or distributor needs a license to distribute tickets for a raffle for which a special exempt raffle license is required and that a distributor may distribute the necessary gambling accouterments to a special exempt permit holder.

LD 743	An Act to Clarify th	he Landlord's Duty to Mitigat	te Damages	LV/WD
<u>SPONSOR(S)</u> MURPHY		<u>COMMITTEE_REPORT</u> LV/WD	AMENDMENTS ADOPTED	
PAUL				

### SUMMARY

This bill makes liquidated damages clauses in leases entitling the landlord to 2 months rent if the tenant breaches the lease presumptively valid and enforceable without limiting the landlord's ability to prove and recover additional damages.

LD 757	An Act Concerning Withdrawal of Candidates	PUBLIC 341
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SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
0'GARA	OTP-AM	H–234
STROUT B		H-282 PRIEST
MAYO		

#### SUMMARY

This bill limits the instances in which a party may replace a candidate who has withdrawn from the general election and the circumstances under which the Secretary of State must produce new ballots to reflect a candidate's withdrawal. The bill provides that a party may replace a candidate, other than a candidate for Governor or United States Senator or Representative, only if the candidate withdrew on or before the 1st Monday in August preceding the general election. The bill requires that the replacement be made no later than the 3rd Monday in August preceding the general election. The bill provides that the Secretary of State is not required to produce new ballots if a candidate withdraws after the withdrawal dates established by the bill.

Committee Amendment "A" provides that the withdrawal deadlines established in the bill do not apply to candidates who die or withdraw due to debilitating illness before the general election. The amendment also provides that the Secretary of State must prepare a new ballot if a candidate withdraws or is withdrawn due to debilitating illness.

House Amendment "A" clarifies that the 3rd Monday in August replacement deadline does not apply in regard to replacement of candidates who withdraw or are withdrawn due to death or debilitating illness. The amendment provides for party replacement of these candidates as soon as practicable.

Senate Amendment "A" incorporates the text of House Amendment "A" but changes the deadline for replacement from the 3rd Monday in August to the 2nd Monday in September.

### LD 760 An Act to Permit Property Managers to Appear on Behalf of ONTP Owners of Residential Dwelling Units

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P	ONTP	

#### SUMMARY

This bill permits a property manager, with the approval of the landlord who hired that property manager, to represent the landlord in court on small claims matters and eviction proceedings.

LD 781	An Act to Impose Spending Limits on Legislative Campaigns	ONTP
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<u>SPONSOR(S)</u>	COMMITTEE REPORT	AMENDMENTS ADOPTED
MILLS	ONTP	
NADEAU G R		
MITCHELL		
ERWIN E		

SUMMARY

This bill establishes campaign spending caps on State legislative races. A candidates for State Senator may spend \$30,000, a candidate for State Representative \$8,000.

LD 796 An Act to Remove the Present Dollar Limit on Funeral, PUBLIC 188 Cremation and Burial Expenses Relative to Restitution by Criminal Offenders

<u>SPONSOR(S)</u>	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOBBINS	OTP-AM	S-95
GAUVREAU		
PARADIS P		
CONLEY		

#### SUMMARY

This bill amends the definition of "allowable expenses" recoverable as restitution from a convict. The bill replaces the present dollar limit relative to funeral, cremation and burial expenses with a reasonableness standard, i.e. a judge could order restitution of reasonable funeral-related expenses.