

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

LD 562 An Act Regarding Local Option Questions on the Sale of Beer and Wine

PUBLIC 95

SPONSOR(S)
PARENT

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-121

SUMMARY

This bill adds 2 local option questions that may be voted on in a local option election in a municipality to determine whether and when alcoholic beverages may be sold. The questions concern whether beer and wine may be sold for consumption off the premises of licensed establishments on Sundays and whether wine may be sold for consumption off the premises on days other than Sunday.

Committee Amendment "A" (H-121) makes the 2 new local option questions parallel by making both apply to malt liquor and wine sales and deletes the reference to malt liquor and wine sales in the existing questions regarding off-premise sales. The amendment also clarifies the effect of a negative vote on the malt liquor and wine questions. If a municipality has already voted for authority for all off-premise sales but votes in the negative on the malt liquor and wine question, the authority granted by the earlier vote for malt liquor and wine sales is invalidated only if the petition shows a clear intent to invalidate the existing privilege.

LD 566 An Act to Increase Mobile Home Park License Fees

DIED BETWEEN BODIES

SPONSOR(S)
MURPHY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-556

SUMMARY

This bill would have increased the mobile home park license fee from \$30 to \$40 and the additional fee per mobile home site from \$3 to \$4.

Committee Amendment "A" (H-556) adds a fiscal note to the bill.

LD 588 An Act to Amend the Public Drinking Laws

PUBLIC 157

SPONSOR(S)
KERR
WATERMAN
HEINO
DUTREMBLE D

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-148

SUMMARY

Under current law, a person is guilty of public drinking if, after being forbidden to do so by a law enforcement officer, that person drinks liquor in a public place without authorized permission, or if that person drinks liquor in a public place within a municipality within 150 feet of a notice prohibiting such drinking. This bill amends the law to provide that a person is guilty of public drinking if that person, without license, privilege or permission of an authorized person, drinks liquor in a public place knowing that such drinking is forbidden. The bill also expands the public indecency laws to prohibit urination in public.

Committee Amendment "A" (H-148) replaces the bill and reinstates the provision that a person must have notice of the prohibition against public drinking before that person is considered guilty of illegal public drinking, but it changes the law so that a person is guilty of public drinking if that person

drinks liquor within 200 feet, rather than 150 feet, of a sign prohibiting drinking that is posted in a public place. The amendment deletes the provisions of the bill relating to urinating in public. The amendment also adds a fiscal note.

LD 593 An Act Authorizing Sale of Liquor Outside of Exclusive Territory

LV/WD

SPONSOR(S)
DIPIETRO

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill would have removed the requirement that the State Liquor Commission approve sales of wine and malt liquor by wholesale licensees outside of the exclusive territory allocated and designated by the wine or malt liquor manufacturer. The bill would have permitted the agreement between the wholesaler and the manufacturer, however, to proscribe extra-territorial sales. The bill would not have restricted or dictated the terms of the agreement on extra-territorial sales.

LD 606 An Act to Clarify Provisions Relating to the Bureau of Intergovernmental Drug Enforcement

PUBLIC 154

SPONSOR(S)
PARADIS P
O'DEA
MELENDY
ADAMS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-149

SUMMARY

This bill clarifies the arrest powers of officers of the Bureau of Intergovernmental Drug Enforcement by adopting the standards of the Maine Criminal Code, Maine Revised Statutes, Title 17-A, section 15, while at the same time retaining their more complex common law powers of sheriffs. The bill also clarifies the authority of bureau officers to serve civil process in civil asset forfeiture cases.

Committee Amendment "A" (H-149) clarifies the language of the bill.

LD 627 An Act to Clarify the Role of Law Enforcement Officers in the Investigation of Medical Examiner Cases

PUBLIC 97

SPONSOR(S)
MILLS
PARADIS P
GAUVREAU
MAYO

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-60

SUMMARY

This bill clarifies the role of the law enforcement officer at the scene of a death when a medical examiner does not come to the scene or after a medical examiner arrives. In performing duties, the law enforcement officer acts under the direction of the medical examiner or Office of the Chief Medical Examiner to determine the cause, manner and circumstances of death in a medical examiner case. The officer may investigate, make measurements, photograph and take possession of objects as directed by a medical examiner or the Office of the Chief Medical Examiner.

Committee Amendment "A" (S-60) rewords part of the bill without changing the substance.