

# 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:

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

**SPONSOR(S)**  
 DIPIETRO  
 PLOURDE

**COMMITTEE REPORT**  
 ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have allowed the State Liquor Commission to locate more than one agency liquor store in a town and would have permitted agency stores to be located within 10 miles of each other.

**LD 944 An Act to Permit Off-track Betting and to Revise the Harness Racing Laws**

**SPONSOR(S)**  
 TARDY  
 MACOMBER  
 KETOVER  
 TITCOMB

**COMMITTEE REPORT**  
 OTP-AM MAJ  
 ONTP MIN

**AMENDMENTS ADOPTED**  
 H-541 MAJ REP  
 H-672 TARDY

**SUMMARY**

This bill permits licensed racetracks to conduct pari-mutuel wagering at off-track betting facilities. The bill establishes the process for licensing of the off-track betting facility by the Harness Racing Commission, and provides for the allocation of wagering revenue to the State, the Agricultural Stipend Fund, the Sire Stakes Fund and the horsemen's purse account.

Committee Amendment "A" (H-541) makes several changes in the bill, including the following:

1. Grants authority to the Harness Racing Commission to adopt rules for the licensing and operation of off-track betting facilities and requires notice to the Joint Standing Committee on Legal Affairs of any proposed rule or amendment;
2. Clarifies that only operators of licensed tracks in the State who conducted racing on at least 25 days in the previous year may conduct pari-mutuel wagering at off-track betting facilities;
3. Requires municipal approval of an off-track betting facility;
4. Requires an off-track betting licensee to ensure that persons under 16 years of age do not enter the off-track betting facility unless accompanied by a parent, guardian or custodian and that persons under 16 years of age stay at least 15 feet from any betting window;
5. Prohibits simulcasting to an off-track betting facility within 50 miles of any live racing on the same day, or within 75 miles during the same hours as that live racing, without approval of the licensee of those races and the commission;
6. Permits simulcasting to off-track betting facilities of races from outside the State only if the races are also being simulcast to the off-track betting licensee's racetrack;
7. Changes the distribution of commissions on off-track betting wagers to be essentially the same as the distribution on wagers made at the track; and
8. Repeals the authority for off-track betting facilities 91 days after adjournment of the 117th Legislature and requires the commission to report to the Joint Standing Committee on Legal Affairs by January 1, 1995.

House Amendment "D" (H-672) clarifies the allocation of revenues, requires reports to the Agriculture Committee as well as the Legal Affairs Committee, and adds the language of 4 harness racing bills considered by the Agriculture Committee: LD 337, 402, 784 and 833. See the bill summaries for the Joint Standing Committee on Agriculture.

**LD 950      Resolve, Authorizing Kathleen Maynard and Howard Briggs to Sue the State      ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	ONTP	

**SUMMARY**

This resolve would have authorized Kathleen A. Maynard and Howard L. Briggs, both individually and as coadministrators of the estate of Jessica Lea Briggs, to sue the State for damages resulting from alleged acts and omissions of the State, its agents and employees concerning the incarceration and death of Jessica Lea Briggs. Jessica Briggs was murdered while she was absent without leave from the Maine Youth Center. The maximum authorized recovery would have been \$1,000,000.

**LD 951      Resolve, Providing a Waiver of Certain Statutory Time Limits and Providing that School Administrative District #61 is Liable for Bodily Injury to Colleen Nilsen      INDEF PP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	OTP-AM	S-200

**SUMMARY**

This resolve would have authorized Sarah Leighton, Peter Nilsen and Linda Nilsen, both individually and as parents of Colleen Nilsen to sue the Town of Casco for damages resulting from alleged acts and omissions of the town, its agents and employees concerning Colleen Nilsen's injury of October 16, 1985 at Crooked River School, Casco.

Committee Amendment "A" (S-200) would have replaced language authorizing a suit against School Administrative District #61, the State, the Town of Casco and individual employees with a statement that School Administrative District #61 is liable for the medical expenses incurred as a result of the injury to Colleen Nilsen. If the school district does not fulfill the obligations stipulated by the resolve, the amendment waives the statute of limitations and the notice requirement of the Maine Tort Claims Act. Liability would be limited to \$10,000.

**LD 952      Resolve, Authorizing a Payment to Steven P. Smith and Ramona Smith of \$47,908.06      UNSIGNED**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TWITCHELL	OTP-AM      MAJ	S-137      MAJ REP
	ONTP      MIN	

**SUMMARY**

This resolve would direct the State to pay \$47,908.06 to Steven P. Smith and Ramona Smith because of an overpayment of gasoline taxes to the State from August 1, 1983 to June 30, 1986.

Committee Amendment "A" (S-137) adds an allocation section and a fiscal note to the bill.