

# 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.

**LD 1216 An Act to Permit Access to Cemeteries by Descendants**

ONTP

SPONSOR(S)  
MURPHY  
JALBERT  
HICHBORN  
FARNUM

COMMITTEE REPORT  
ONTP

AMENDMENTS ADOPTED

**SUMMARY**

This bill would have permitted any descendant of a person buried in a burial ground or cemetery that is not accessible by public road or highway to have access on foot over the property of another person to that burial ground or cemetery. See LD 1547.

**LD 1222 An Act Concerning Gaming Conducted by the Passamaquoddy Tribe**

ONTP

SPONSOR(S)  
BAILEY H  
LUDWIG  
VOSE  
TOWNSEND

COMMITTEE REPORT  
ONTP

AMENDMENTS ADOPTED

**SUMMARY**

This bill would have made several changes in the law regulating high stakes Beano conducted by federally recognized Indian tribes. The committee worked this bill with LD 1522, and many of the provisions of LD 1222 were included in the committee amendment to LD 1522.

This bill would have made the following changes in the laws governing high-stakes Beano: repealed the September 30, 1992 sunset date on the high stakes beano authorizing law, permitted the Passamaquoddy Tribe to conduct high-stakes Beano on 36 weekends a year instead of 18 as under current law, changed the license fee from 5% of revenue to \$50,000 per year, permitted high stakes Beano on Indian Territory, not just on the reservation, permitted advertising of door prizes and the sale of \$1 Lucky Seven tickets before during and after Beano games. The bill would also have allowed all Beano games to begin at 11:00 a.m. on Sunday instead of noon, and allowed for new ways of determining the winners in Beano games. See LD 1522.

**LD 1227 An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the Department of Public Safety**

PUBLIC 464

SPONSOR(S)  
FOSTER  
NORTON  
CARROLL D  
HOLLOWAY

COMMITTEE REPORT  
OTP-AM

AMENDMENTS ADOPTED  
S-319

**SUMMARY**

This bill increases fees charged by the Office of the State Fire Marshal for several inspection services and for permits, licenses and certificates. The bill increases the fee for the inspection and licensure of certain dance facilities, for a fireworks display permit, a fireworks site inspection, and for a permit to discharge fireworks, for licensure of certain amusement devices, for a theater license, and for inspection of explosive storage magazines and magazines used to transport explosives.

Committee Amendment "A" (S-319) reduces the fee increases in the bill so that the fees increase by 50% rather than by up to 300%, as proposed in the bill.

**LD 1236      An Act Concerning Continuances Requested by Petitioners in Hearings for Operating under the Influence      PUBLIC 363**

|                             |                                   |                                    |
|-----------------------------|-----------------------------------|------------------------------------|
| <b>SPONSOR(S)</b><br>CONLEY | <b>COMMITTEE REPORT</b><br>OTP-AM | <b>AMENDMENTS ADOPTED</b><br>S-194 |
|-----------------------------|-----------------------------------|------------------------------------|

**SUMMARY**

Under current law, a person accused of operating a motor vehicle while under the influence of alcohol or drugs may request a hearing before the Secretary of State, and that request stays the administrative suspension of the person's drivers' license. There is no stay of suspension, however, if the petitioner requests a delay in the hearing. This bill permits a stay of suspension if the petitioner requests a delay for good cause.

Committee Amendment "A" (S-194) permits a stay of suspension only if the delay is caused by a circumstance beyond the petitioner's control, requires the petitioner to notify the Secretary of State of the reason for the delay at least 24 hours before the scheduled hearing, and permits the petitioner to FAX the request.

**LD 1237      Resolve, to Allow Martin L. Bruno to Bring Suit Against the City of Lewiston and Its Employees      ONTP**

|                             |                                 |                           |
|-----------------------------|---------------------------------|---------------------------|
| <b>SPONSOR(S)</b><br>CONLEY | <b>COMMITTEE REPORT</b><br>ONTP | <b>AMENDMENTS ADOPTED</b> |
|-----------------------------|---------------------------------|---------------------------|

**SUMMARY**

This resolve would have authorized Martin Bruno to sue the City of Lewiston for damages allegedly resulting from an automobile accident.

**LD 1259      An Act to Clarify the Landlord's Handling of Abandoned Property      PUBLIC 265**

|  |                                   |                                    |
|--|-----------------------------------|------------------------------------|
| <b>SPONSOR(S)</b><br>MURPHY<br>JALBERT | <b>COMMITTEE REPORT</b><br>OTP-AM | <b>AMENDMENTS ADOPTED</b><br>H-274 |
|--|-----------------------------------|------------------------------------|

**SUMMARY**

This bill changes the way landlords must handle property left on the rented premises by a tenant who has vacated the property. Current law provides three different procedures: one for property worth less than \$100, a second for property worth more than \$100 but less than \$1,000 and a third for property worth \$1,000 or more.

The bill provides for two procedures: one for property worth \$500 or less, and a second for property worth more than \$500. For property worth \$500 or less, the process would be the same as for property worth \$100 or less under current law. The landlord would be required to store the property in a safe, dry, secure location and to mail notice of the property to the tenant. The tenant would have 14 days to claim the property, but the landlord is permitted to condition release of the property on the tenant's payment of rent, damages and the costs of storage of the property. If the tenant does not claim the property in time, the landlord may sell the property, apply the proceeds to rent, damages and storage costs, and send the excess to the Treasurer of State.