

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AFFAIRS

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1992**

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 far right of the title. Various types of final action are abbreviated as follows:

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

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, especially Laurette Knox who coordinated preparation of the overall document.

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

| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b> |     | <b>AMENDMENTS ADOPTED</b> |
|-------------------|-------------------------|-----|---------------------------|
| CLARK N           | ONTP                    | MAJ |                           |
| PENDLETON         | OTP-AM                  | MIN |                           |

**SUMMARY**

LD 1344 would have required retail tobacco sellers to obtain licenses and retail tobacco clerks to obtain permits. The license or permit could be revoked or suspended if the licensee persists in selling tobacco products to minors. The Bureau of Alcoholic Beverages would have become the Bureau of Alcoholic Beverages and Tobacco Sales, and would have issued licenses. The Bureau of Liquor Enforcement would have become the Bureau of Liquor and Tobacco Enforcement and would have enforced the licensing law. The bill would have also prohibited vending machine sales of cigarettes.

Committee Amendment "A" (S-554) would have replaced the bill. It would have retained the requirement that tobacco sellers obtain a license from the Bureau of Alcoholic Beverages and Tobacco Sales, but deleted the requirement that retail clerks obtain permits. The amendment would have imposed a licensing requirement on tobacco distributors, wholesalers and vending machines. The amendment also would have repealed the licensing requirements December 1, 1994. The amendment allowed the sale of cigarettes and other tobacco products through vending machines, but required the vending machines to be licensed, and provided for revocation or suspension of the machine license if tobacco products were sold to minors through the machine.

The amendment would have provided a penalty for minors who misrepresent their age by producing fraudulent identification in order to purchase tobacco products and required the Bureau of Health to work with the Bureau of Liquor and Tobacco Enforcement to develop programs to educate tobacco sellers, minors and the general public about the laws prohibiting sale to and purchase by minors and the consequences of violating those laws.

**LD 1479 An Act Regarding Contracts for the Duplication of Works of Art**

| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
|-------------------|-------------------------|---------------------------|
| ADAMS             | OTP-AM                  | H-1013 LAWRENCE           |
| CONSTANTINE       |                         | H-921                     |
| GRAHAM            |                         |                           |
| LUDWIG            |                         |                           |

**SUMMARY**

The bill would have prohibited a printer from accepting an order in excess of \$1000 for printing duplicates of a work of fine art without an affidavit that the customer has the right to duplicate the work. The bill would also have clarified that the right of reproduction of a work of fine art is reserved to the artist and that the ownership of the original of a reproduced work of art remains with the artist or owner unless expressly transferred.

Committee Amendment "A" (H-921) would have deleted provisions of the bill regarding the ownership rights and copy rights of artists in works of art, since those rights are dealt with by federal copyright laws. The provision of the bill prohibiting printers from copying works of art without an affidavit from the customer would be amended to require only a signed statement from the customer. The amendment also provided that a customer who intentionally falsifies a signed statement commits a Class D crime. The definition of "work of art" was also clarified.

House Amendment "A" to Committee Amendment "A" (H-1013) would have exempted duplication of a work of art under the fair use doctrine of federal copyright law from the provision requiring printers to obtain signed statements from their customers.

**LD 2001      Resolve, Authorizing Zelma Rudge to Sue the State      ONTP**

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

**SUMMARY**

This resolve would have authorized Zelma Rudge, as personal representative of the estate of her son Victor Lizzotte, to bring a civil action against the State for damages resulting from the alleged negligence of the Department of Human Services concerning the death of Victor Lizzotte.

**LD 2010      An Act to Study the Establishment of a Statewide Voter Registration File      P & S 94**

| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
|-------------------|-------------------------|---------------------------|
| MILLS             | ONTP      MAJ           | S-596      MIN REP        |
| LAWRENCE          | OTP-AM      MIN         |                           |
| STEVENS A         |                         |                           |
| PLOURDE           |                         |                           |

**SUMMARY**

The bill requires the Secretary of State to develop and implement a statewide computerized voter registration system.

The amendment replaces the bill with a provision requiring the Secretary of State to conduct a study on establishing a central voter registry. The Secretary of State will report the findings and recommendations derived from the study to the Legislature by April 1, 1993.

**LD 2019      An Act to Amend the Election Laws      PUBLIC 862**

| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b>                             |
|-------------------|-------------------------|---|
| MILLS             | OTP-AM                  | H-1187      LAWRENCE<br>S-617<br>S-770      BRANNIGAN |

**SUMMARY**

LD 2019 proposes several changes in the election laws, including changes that would:

1. Clarify that the municipal officers, not the nominating entities, have authority to appoint or remove members of the board of registration;
2. Require that 10 or more voters file a declaration of intent to form a new party instead of a single voter and require the new party to obtain signatures equal to 5% of the votes cast in the last gubernatorial election before the party may enroll members;
3. Limit the price registrars may charge for reproducing a voter list to the cost of reproduction;