

# 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**

***Staff:***

*Deborah C. Friedman, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207) 289-1670*

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KANE ORBETON



STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

KAREN L. HRUBY  
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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.

11. Deletes the section of law regarding municipal inspections in lieu of Manufactured Housing Board inspections.

Committee Amendment "A" (H-473) deletes reference to licensed installers, since that language presupposed passage of a licensing bill that has not become law. The amendment clarifies that the inspection fee will be paid by the person responsible for creating the need for the inspection, not by the consumer. The amendment also strikes the section of the bill that would have repealed the section of law permitting municipal inspections of mobile home parks in lieu of Manufactured Housing Board inspections.

**LD 1522**      **An Act Concerning Beano or Bingo**

**PUBLIC 426**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
JALBERT KERR GREENLAW	OTP-AM	H-529

**SUMMARY**

This bill makes several changes to the laws governing beano and high-stakes beano. It authorizes variations on the game of beano not currently allowed under the statutes and rules adopted by the Chief of the State Police and permits beano to begin one hour earlier on Sundays. The bill increases the number of weekends the Penobscot Nation may conduct high-stakes beano from 18 to 36 weekends per year and permits consecutive weekend games in the time period from April to October. The bill also authorizes rescheduling of high-stake beano games cancelled due to inclement weather.

The bill changes the license fee for high-stakes beano from 5% of gross revenues to \$50,000 annually, provides for the sale of lucky seven or other similar sealed tickets during the conduct of the beano game session and for the sale of such tickets with a sale value of \$1 or less, and repeals the sunset clause on the law permitting high-stakes beano.

Committee Amendment "A" (H-529) is a merger of LD 1522 and LD 1222. The amendment, with respect to beano conducted by any type of organization, expands the types of games that qualify as beano to include any type of beano game as long as the manner of determining the winner or winners is announced before the game begins and the winners are determined by the sequence in which numbers or letters are drawn. As in the original bill, the amendment permits all beano games to begin at 11 a.m. on Sunday and permits the sale of Lucky seven or other sealed tickets in conjunction with beano of up to \$1 instead of the current rule permitting tickets only up to 50¢. The amendment also permits Lucky seven and other sealed tickets to be sold during beano games.

The amendment also permits any federally recognized Indian tribe to operate high-stakes beano on 27 weekends and permits the advertising and awarding of door prizes with values up to \$25,000, provided admission tickets are the only method used to determine the door prize and only persons with admission tickets are permitted to win the prize. The amendment exempts high-stakes beano from the rules requiring the caller of numbers to be on the same floor level as the players. The amendment requires the organizations conducting high-stakes beano to report to the Joint Standing Committee on Legal Affairs quarterly on the operation of the high-stakes beano games and continues the requirement that the Bureau of State Police and the organizations report by September 30, 1992 on the 5 years of operation of high-stakes beano.

The amendment also expands the permissible location of beano games by permitting the operation on Indian Territory rather than on the Indian reservation. Indian Territory includes only locations within unorganized territory specifically designated in law.

Finally, the amendment retains the repeal of the September 30, 1992 sunset and repeals 2 sunset clauses in related legislation permitting the hiring of persons to conduct high-stakes beano and permitting the sale of Lucky seven and other sealed tickets at beano games and adds an allocation and a fiscal note to the bill.

**LD 1537 An Act Relating to Sheriff's Fees for Civil Orders of Arrest**

**PUBLIC 498**

**SPONSOR(S)**  
GAUVREAU  
JALBERT  
STEVENS A  
MILLS

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-345

**SUMMARY**

This bill increases the fee paid to sheriffs for civil arrests and custody from \$5 to \$20 and makes clear that the costs of issuing and serving civil orders for arrests chargeable to a judgment debtor who fails to appear under the Maine Revised Statutes, Title 14, section 3135 are distinct from the fee payable to a sheriff for a civil order for arrest under Title 30-A, section 421. The bill gives the power to county commissioners to require that the fees collected under Title 30-A, section 421 be increased by the costs of social security and other withholding taxes. The bill specifies that a judgment creditor may not be awarded costs unless the creditor files an affidavit stating that the creditor has made a good faith effort to determine that the debtor has sufficient nonexempt assets and income to satisfy a judgment.

Committee Amendment "A" (S-345) deletes the provision of the bill requiring judgment creditors to make a good faith effort to determine whether judgment debtors have assets to satisfy a judgment. This amendment also makes the sheriff's fee for serving a civil order of arrest consistent in the Maine Revised Statutes, Title 14 and Title 30-A and sets the fee at \$25 plus mileage at a rate of 22¢ per mile.

**LD 1547 An Act to Ensure Preservation of Burial Grounds**

**PUBLIC 412**

**SPONSOR(S)**  
MURPHY  
JALBERT  
FARNUM

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-495

**SUMMARY**

The bill requires excavation or construction in the area of a known burial site to comply with local ordinances, and prohibits construction or excavation within 25 feet of a known burial site or graveyard not governed by local ordinances. The bill also requires a person intending to conduct excavation or construction to notify the local building inspector and to cease work if a person suspects that the construction or excavation may disturb an undocumented burial site. The building inspector would be required to notify the Maine Historic Preservation Commission and the local historical society, who would arrange an investigation to determine if any human remains are buried in the excavation or construction area.

Finally, the bill requires municipal officers to keep a record of every burial site, including private burial sites.

Committee Amendment "A" (H-495) deletes the section of the bill requiring municipalities to keep records of every burial and to include burial sites on municipal tax maps. The amendment also clarifies references to code enforcement officers. Finally, the amendment provides for the creation of an easement for the benefit of relatives of persons interred in a family burial ground, when the land surrounding the burial ground is sold, leaving the relatives no access from a public way to the burial ground.