MAINE STATE LEGISLATURE

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STATE OF MAINE 116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES JOINT STANDING COMMITTEE ON LEGAL AFFAIRS

JULY 1993

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Staff: Marion Hylan Barr, Legislative Analyst

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ONE HUNDRED AND SIXTEENTH LEGISLATURE FIRST REGULAR SESSION

JOINT STANDING COMMITTEE BILL SUMMARIES

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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 Chapter # of enacted Public Law P&S XXX Chapter # of enacted Private & Special Law RESOLVE XXX Chapter # of enacted Resolve Chapter # of Constitutional Resolution passed by both Houses CON RES XXX Enacted law takes effect sooner than 90 days **EMERGENCY** CARRIED OVER Bill carried over to Second Session Ought Not to Pass report accepted ONTP ENACTMENT FAILED Bill failed to get majority vote INDEF PP Bill Indefinitely Postponed FAILED EMERGENCY ENACTMENT Emergency bill failed to get 2/3 vote FAILED MANDATE ENACTMENT Bill imposing local mandate failed to get 2/3 vote **DIED BETWEEN BODIES** House & Senate disagree; bill died CONF CMTE UNABLE TO AGREE Committee of Conference formed but unable to agree **VETO SUSTAINED** Legislature failed 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.

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

4693NRG

LD 234 An Act to Prevent Intoxication-related Injuries, Deaths

and Damages

SPONSOR(S) COMMITTEE REPORT

AMENDMENTS ADOPTED

CATHCART

ONTP

SUMMARY

This bill would have eliminated the cap on awards of damages for losses under the Maine Liquor Liability Act.

LD 245 An Act Regarding the Purchase of Spirits at State Liquor

ONTP

ONTP

Stores

SPONSOR(S)

COMMITTEE REPORT

MIN

AMENDMENTS ADOPTED

BALDACCI

ONTP MAJ

OTP

SUMMARY

This bill would have permitted retail liquor licensees to purchase liquor from state liquor stores using the same payment terms currently afforded agency liquor stores. The bill also would have permitted state liquor stores to deliver liquor to establishments that are licensed for the sale of liquor on premises.

Senate Amendment "A" (S-45) would have corrected a misstatement in the original bill by changing section I to allow a licensee or an agency to buy liquor at a state store using cash or a credit card. The amendment also would have eliminated the section of the bill that allowed state liquor stores to deliver to establishments that are licensed to serve liquor on the premises and would have added a fiscal note.

LD 250 An Act to Amend the Campaign Finance Laws

ONTP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

HANLEY

ONTP

SUMMARY

This bill would have established limits on campaign spending and would have allowed candidates to limit voluntarily the amount of money they spend on a campaigns. The bill also would have limited contributions made by political action committees to \$100 per election per candidate.

LD 253

An Act Concerning Maine Wineries and Microbreweries

PUBLIC 60

EMERGENCY

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

CONSTANTINE

OTP-AM

H-69

SUMMARY

This bill allows taste tours in small breweries and the ordering by mail of malt liquor and wine for personal use.

Committee Amendment "A" (H-69) addresses the problem of minors receiving alcohol by cross-referencing Title 28-A, section 2081, which prescribes that any person who procures alcohol for a minor is guilty of

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a Class D crime. The amendment corrects the problem of the illegality of "mail ordering" alcohol by prescribing regulated "shipping" by common carrier. A common carrier may deliver a shipment only upon presentation of the permit authorizing receipt and only to the person named in the permit. The amendment also adds a fiscal note.

LD 263 An Act to Reduce Access by Minors to Alcoholic Beverages

ONTP

in Agency Stores

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

TREAT

ONTP

SUMMARY

This bill would have required an agency liquor store to separate spirits from other merchandise in the store and would have required the State Liquor Commission to rule upon agency licensees' proposals to implement separation. The purpose of this bill was to restrict minors' access to alcohol.

LD 270

An Act to Mandate Suspension of a Minor's Operator's License for Possession of Alcohol in a Motor Vehicle

PUBLIC 93

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

KERR

OTP-AM

H-78

SUMMARY

This bill mandates that minors be charged under the illegal transportation section of the Maine Revised Statutes and lengthens the terms of suspension of the minor's operator's license provided under that section. This bill does not affect the ability to charge under other provisions when drunken or negligent driving is an issue.

Committee Amendment "A" (H-78) prevents the bill from having adverse automobile insurance implications for insureds by prohibiting insurers from increasing automobile insurance rates solely on the basis of the license suspensions of minors for illegal transportation of alcohol as prescribed by the bill. The amendment prohibits insurers from cancelling automobile insurance coverage when a minor covered under the policy is convicted for illegal transportation of alcohol. The amendment also adds a fiscal note.

LD 304

An Act to Amend the Laws Regarding Protection from Harassment to Include the Protection of Rental Property

PUBLIC 199

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

DAGGETT HANDY OTP-AM

H-291

SUMMARY

This bill provides a mechanism for landlords to quickly evict tenants that place other tenants or the property in imminent danger. After the tenant is provided with at least 24 hours' notice, the court will hold a hearing in which the landlord is given the opportunity to prove that the tenants or the landlord's property is in imminent danger from the defendant tenant, the tenant's family or invitees of the tenant. If the court agrees, the court has one day in which to issue a writ of possession to the landlord that requires the defendant tenant to leave the premises within 48 hours. If the defendant wants to appeal, the appeal must be filed before the expiration of the 48-hour period to vacate. The court has 24 hours to act on the appeal. Service of notice is based on the notice required for 7-day evictions.