

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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**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:

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

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

4693NRG

LD 427 **An Act to Allow Young People to Accompany Their Parents
When Voting** PUBLIC 33

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| AMERO AULT | OTP | |

SUMMARY

This bill increases from 6 to 12 years the age allowable for children to accompany their parents into the voting booth.

LD 432 **An Act to Extend the Application of Campaign Reports and
Finance Laws** ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| HANDY ADAMS | ONTP | |

SUMMARY

This bill would have expanded the application of the laws concerning campaign reports and finances to include municipal elections and initiative, referendum and charter questions.

LD 478 **An Act to Amend the Laws Governing the Method of Recounting
Ballots in Elections** ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| BERUBE | ONTP | |

SUMMARY

This bill would have required recounts to be done locally rather than in Augusta. The bill also would have required a law enforcement officer to accompany ballots that are transported and a representative of each candidate to be present during the recount of ballots.

LD 488 **An Act Concerning the Operation of Agency Liquor Stores** PUBLIC 380
EMERGENCY

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| SUMMERS | OTP-AM | H-552 DAGGETT S-243 |

SUMMARY

Sections 1 to 4 of this bill correct a conflict that exists between the law as enacted in 1987 and recently enacted legislation allowing for the replacement of state liquor stores with private agency liquor stores. By repealing pertinent subsections, the bill reduces confusion over acceptable locations for agency liquor stores licensed under the Legislature's plan to close certain liquor stores and replace them with agency liquor stores. The purposes of the proposed changes are to afford a smooth transition for existing agency liquor store licensees and to provide a reasonable application procedure for future license applicants.

Section 5 allows agency liquor stores to sell to an on-premise licensee if the licensee is at least 15 miles away from a state liquor store. This section also provides for the sale of liquor at the same price the licensee would pay at a state liquor store. Section 6 allows for the use of rebate coupons in these new stores.

Committee Amendment "A" (S-243) replaces the original bill and amends existing law in the following ways.

1. The amendment changes the requirement that a proposed agency store may not be within 10 miles of an existing state liquor store or existing agency store to a requirement that a proposed agency store may not be within 3.5 miles of an existing state liquor store or existing agency store that was licensed before May 1, 1993. This requirement does not prevent the State Liquor Commission from locating a replacement agency store within 3.5 miles of another replacement agency store for the same town.
2. The amendment creates a public hearing process that requires the State Liquor Commission to conduct hearings on all applications for new agency stores. The commission must give notice pursuant to the Maine Administrative Procedure Act and must give written notice of the hearing date 15 days prior to hearing to any existing agency liquor stores within a 5 mile radius of the applicant's proposed store.
3. The amendment strikes language in the original bill dealing with agency liquor stores selling to on-premise licensees and the use of mail-in rebate coupons, since these issues were dealt with in separate pieces of legislation. See LD 392 and LD 684.
4. The amendment also adds a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-542) would have allowed agency liquor stores to charge and retain up to 2% more than the retail sales price set by the State Liquor Commission.

House Amendment "B" to Committee Amendment "A" (H-552) clarifies what sections of the Act apply retroactively to July 1, 1990.

LD 489 An Act Relating to Credit Terms for Retail Liquor Licensees ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| DIPIETRO | ONTP | |

SUMMARY

This bill would have allowed but would not have required wholesale liquor sellers to extend credit to retail liquor sellers for 30 days for the purchase of malt beverages and table wine. Retail sellers who failed to pay the balance within 30 days of delivery would have been reported to the Bureau of Alcoholic Beverages and Lottery Operations and would have been prohibited from making additional purchases until their indebtedness was paid in full.

LD 491 An Act to Amend the Laws Governing Condominiums ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| KERR | ONTP | |

SUMMARY

This bill would have permitted a lien by a condominium association against a condominium unit for common expenses, attorney's fees and enforcement costs to take priority over a first mortgage to the extent of 6