

# 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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 &amp; 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.

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SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CAREY	OTP-AM MAJ	S-169
	ONTP MIN	S-184 CAREY

**SUMMARY**

This bill makes the following changes to the liquor laws.

1. It creates and defines B.Y.O.B. functions and establishes the manner in which they will be regulated.
2. It prohibits the sale of imitation liquor at the same times as the sale of liquor is prohibited and repeals the prohibition against the sale or delivery of liquor before noon on Memorial Day.
3. It applies the same prohibitions that apply to liquor at bottle clubs to imitation liquor. Minors are prohibited from possessing as well as consuming liquor or imitation liquor at a bottle club. Further, it is made a civil violation to deny a law enforcement officer access to a bottle club for the purposes of investigation.
4. It extends the mandatory closing time for liquor stores from midnight to 1:00 a.m. and from 5:00 p.m. to 1:00 a.m. on Sundays.
5. It requires all retail employees of retail licensees to possess a valid certificate of server certification effective January 1, 1997. A part-time employee who does not work more than 720 hours in a calendar year is exempt.
6. It requires minors who sell liquor for a licensee to be supervised by a person who is at least 21 years of age, effective January 1, 1997. Currently, a person 17 years of age may be supervised by a person 18 years of age.
7. It repeals the criminal penalty for employing minors who are either less than 17 years of age or not properly supervised. The violation can be addressed administratively.
8. It allows any on-premise licensee, not just hotels and Class A restaurants, to take credit cards.
9. It prohibits the sale or delivery of imitation liquor to minors and visibly intoxicated persons by a licensee or an employee of the licensee. References to sales to a person of known intemperate habits are repealed. Further, a licensee is prohibited from allowing a minor to consume or possess imitation liquor on premises.
10. It prohibits a licensee from delivering a pitcher of beer or a carafe of wine containing more than one liter or 33.3 ounces to one person at a time.
11. It redefines a "keg" as a container that holds at least 2 gallons of liquor rather than the current 7.75 gallons.
12. It changes the responsibility for filling out the required forms when buying a keg from the purchaser to the seller. The purchaser will be provided with a copy.
13. It requires a retail licensee to keep invoices of liquor and food purchases.
14. It prohibits the sale of liquor by one retailer to another if the retailer knows that the liquor will be resold.

15. It requires that a minor who is employed by an off-premise licensee must be supervised by an employee who is at least 21 years of age effective January 1, 1997.
16. It prohibits the consumption of liquor or imitation liquor on the premises of an off-premise licensee.
17. It prohibits a minor from consuming or possessing imitation liquor except in the minor's home with appropriate supervision.
18. It prohibits a minor from transporting imitation liquor in a vehicle.
19. It reduces illegal importation or transportation of spirits from a Class E crime to a civil violation with a maximum fine of \$500.
20. It allows the court to order the forfeiture of malt liquor, wine or spirits that are illegally imported or transported into the State if the defendant fails to appear at the arraignment or if the defendant is adjudicated to have committed the violation.
21. It reduces illegal importation or transportation of malt liquor or wine from a Class E crime to a civil violation with a maximum fine of \$500.
22. It prohibits a person from selling to or allowing any minor under the person's control to possess liquor or imitation liquor unless the person is a parent, legal guardian or custodian.
23. It repeals a section that makes it a civil violation for an agent of a licensee to sell to a minor. This type of violation can be taken care of administratively.
24. It makes changes to the alcohol servers program. Under this bill, the Commission of Public Safety may approve a particular alcohol servers program for a 2-year period. The Director of the Bureau of Liquor Enforcement may appoint a liquor enforcement officer to monitor the programs. A potential retail employee must complete a course and take a standardized examination in order to obtain a certificate of server certification. All current retail employees have to obtain a certificate by January 1, 1997. The Commissioner of Public Safety and the Administrative Court may suspend or revoke course approval and a certificate of server certification under criteria outlined in section 35.

Committee Amendment "A" (S-169), part of the majority committee report, replaces the original bill and makes the following changes to the liquor laws.

1. The amendment establishes penalties for selling or furnishing imitation liquor to a minor that are not contained in the original bill or in current law and deletes those other provisions of the bill that would have regulated imitation liquor in the same manner as real liquor.
2. The amendment restores the current legal definition of "keg".
3. The amendment removes the prohibition on the sale of liquor on Memorial Day.
4. The amendment changes the number of ounces in a pitcher of malt liquor or a carafe of wine that may be sold to one person at one time or with a meal.
5. The amendment makes changes in the keg registration law.
6. The amendment eliminates the section of the bill that would have regulated transportation of imitation liquor by minors and, instead, establishes a prohibition on the possession of imitation liquor by minors.

7. The amendment reinstates the Maine Revised Statutes, Title 28-A, section 2519, subsection 5, establishes an enrollment fee of \$28 for alcohol server education courses provided by the Bureau of Liquor Enforcement.
8. The amendment clarifies the penalties for illegal importation of spirits, malt liquor and wine.
9. The amendment also adds a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-184) makes a technical change to the bill.

**LD 635      An Act to Allow Certain Minors on the Premises of Class A Lounges      ONTP**

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

**SUMMARY**

This bill would have provided for a bracelet approved by the State Liquor Commission for issuance to minors that would have allowed the minors entry into Class A lounges.

**LD 636      An Act to Prohibit the Charging of Rents in Advance      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
O'DEA	ONTP	

**SUMMARY**

This bill would have clarified that an advance rent payment is part of the tenant's security deposit, since it is held to secure performance of the rental agreement. This would have made clear that the collection of advance rent is limited by the current law limiting a security deposit to 2 months' rent. Advance rent would not have included rent collected for the next upcoming rental period, such as rent collected on the last day of a month to pay for the upcoming month. A landlord would not have been able, however, to justify the collection of several months' rent as the initial rental collection by considering the rental period to be longer than one month.

**LD 646      An Act to Change the Time of the State Primary      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
BIRNEY	ONTP      MAJ	
HANLEY	OTP-AM      MIN	

**SUMMARY**

This bill would have changed the date of primary elections in Maine from the 2nd Tuesday in June to the 2nd Tuesday in September. The dates for signing and filing primary petitions would have been changed to maintain the same amount of time between the signing and filing of the petition and the primary as under current law.

The bill would also have changed the date for signing nomination petitions for unenrolled candidates to correspond with the dates of signing petitions for enrolled candidates.