

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

JULY 1993

Staff:
Marion Hylan Barr, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. Richard J. Carey
Sen. James R. Handy
Sen. Stephen E. Hall*

**Rep. Beverly C. Daggett
Rep. William Lemke
Rep. John M. Michael
Rep. James S. Bowers
Rep. Albert P. Gamache
Rep. Albert G. Stevens
Rep. Richard A. Bennett
Rep. Lawrence F. Nash
Rep. Julie-Marie Robichaud
Rep. Harry G. True*

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
MARION HYLAN BARR
JON CLARK
LISA COPENHAVER
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
JILL IPPOLITI



JOHN B. KNOX
ROY W. LENARDSON
PATRICK NORTON
JANE ORBETON
MARGARET J. REINSCH
PAUL J. SAUCIER

JOHN G. KELLEY, RESEARCHER
DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

**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

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

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
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.

Committee Amendment "A" (H-307), part of the minority committee report, would have changed the date of the primary election to the first Tuesday after the first Monday in September. The amendment would have repealed procedures for regulating the withdrawal of candidates and would have removed the task of requiring the Secretary of State to print new ballots if a candidate withdrew before an election.

The amendment would also have changed the time a registrar must report to the Secretary of State regarding the number of enrolled voters, the time a losing candidate has to request a recount and the time the Secretary of State has to provide municipalities with blank ballots. The amendment would have added a fiscal note to the bill.

LD 675 An Act to Amend Election Laws

ONTP

SPONSOR(S)
DIPIETRO

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have made several changes to the election laws. Specifically, the bill would have accomplished the following:

1. Broadened the definition of "immediate family" to include in-laws;
2. Amended the qualifications for members of a board of registration in a municipality with a population of 5,000 or more;
3. Allowed a board of registration to appoint deputies by majority rather than by unanimous action;
4. Allowed rather than required municipal officers to appoint a person to fill the office vacancy of an election official;
5. Allowed a ward clerk to perform the duties of warden if there were a vacancy in that office;
6. Required that an election clerk appointed by a warden to fill a vacancy in the office of ward clerk be enrolled in the same political party as the ward clerk unless the election position of ward clerk were nonpartisan;
7. Amended timing for signing incoming voting lists to require signing by the warden and one election clerk as soon as the names of all voters, including absentee voters, were checked off;
8. Provided that an election official must use only red ink or red lead;
9. Provided that the right to inspect the ballots and incoming voter lists under the Maine Revised Statutes, Title 21-A, section 739 was in addition to other inspection or recount rights under Title 21-A and Title 30-A;
10. Amended the law to require at least one voting machine rather than one electronic voting device for each 250 voters; and
11. Provided for new counting procedures for counting absentee ballots at voting places using electronic voting systems.