

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

Beverages and Tobacco Sales. The bill would have imposed a licensing requirement on tobacco distributors and wholesalers. The bill also would have repealed the licensing requirements December 1, 1996 and required the Bureau of Liquor and Tobacco Enforcement to submit a report on the operation of the licensing law to the joint standing committee having jurisdiction over legal affairs by January 30, 1996.

The bill would have allowed the sale of cigarettes through vending machines, but required the vending machines to be licensed, and provided for revocation or suspension of the machine license if cigarettes were sold to minors through the machine. The bill would have imposed license fees on distributors, wholesalers and machine operators, as well as on retail licensees, to help pay for additional officers to enforce the liquor and tobacco laws. The bill also would have prohibited the sale of cigarettes in vending machines if the machine also sold products other than cigarettes. The restrictions that apply to cigarettes also would have applied to other tobacco products.

The bill would have provided a penalty for minors who misrepresented their age by producing fraudulent identification in order to purchase tobacco products. The penalty would have been a warning, a fine of between \$10 and \$50 or up to 10 hours of community service.

The bill would have required the Bureau of Health, which has recently received federal money to aid in smoking prevention for minors, to work with the Bureau of Liquor and Tobacco Enforcement to develop programs to educate tobacco sellers, minors and the general public about the laws prohibiting sale to and purchase by minors and the consequences of violating those laws.

Committee Amendment "A" (H-375), part of the minority committee report, would have added a fiscal note to the bill.

LD 754 An Act Concerning Property Tax Payment by Owners of Mobile Homes PUBLIC 143

SPONSOR(S) BENNETT	COMMITTEE REPORT OTP	AMENDMENTS ADOPTED
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SUMMARY

This bill requires a mobile home owner who relocates that home to provide proof of payment of property taxes before that owner may receive a building permit to install that mobile home in another municipality.

LD 760 An Act to Require Additional Landlord Disclosures PUBLIC 211

SPONSOR(S) BOWERS	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-290
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SUMMARY

This bill requires landlords to provide tenants with increased disclosure of their rights and obligations. The bill requires mobile home park owners attempting to evict tenants under certain provisions of the law to state the reasons for the terminations with sufficient specificity to enable the tenants to prepare responses.

This bill also requires landlords to disclose to tenants-at-will that their tenancies are improperly terminated unless they give the landlord a full 30 days' notice from the date the rent is due. If the landlord fails to give to the tenant this notice in writing, then the landlord can not seek payment for the final month's rent.

This bill also requires landlords when serving tenants with termination notices because they are more than 14 days in arrears in their rent to include in that notice the actual amount the tenant is behind in rent payments.

Committee Amendment "A" (H-290) removes language requiring mobile home park owners to use "specificity" in language when evicting a tenant, clarifies the calculation of rent in arrears for the purpose of serving a termination notice and explains that a good faith mistake made by the landlord in quoting the amount of rent does not invalidate the notice. The amendment also strikes language that requires a landlord to inform a tenant-at-will that the tenant must give a 30 day notice from the day rent is due or the tenant will be liable for next month's rent.

LD 793 An Act to Improve Local Control over Liquor Licensing

**DIED BETWEEN
BODIES**

SPONSOR(S)

O'GARA
CLEVELAND

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

SUMMARY

The purpose of the bill was to improve public safety and health by improving municipal authority to monitor and control the sale of liquor. That authority is currently very limited under state law. Specifically the bill would have:

1. Redefined Class A restaurants by requiring that at least 60% of their gross annual income come from the sale of food to the public on their premises. Currently, the law sets a flat dollar amount for Class A restaurants, depending on the size of the municipality within which they are located;
2. Amended existing law by giving municipalities access to food and alcohol sales records maintained by establishments that service liquor. Currently, the authority is limited to the State Liquor Commission and its representatives;
3. Clarified the existing law so that it was clear that if an individual or entity that has a liquor license violated any of the state law provisions that must be met in order to gain municipal approval that violation could be used to revoke the license;
4. Allowed municipal officers or their designee to file a complaint with the Administrative Court regarding license violations. Currently, the authority is limited to the State Liquor Commission or the Director of the Bureau of Liquor Enforcement or the director's designee; and
5. Established a revocation process for use by municipalities that chose to enact local ordinances to provide for a local revocation.

Committee Amendment "A" (H-487) would have replaced the original bill and would have allowed municipalities to hold hearings for consideration of requests for renewal of liquor licenses and for consideration of suspension of liquor licenses.

The amendment would have allowed municipalities having a population greater than 50,000 to deny or suspend a license for noncompliance with any local zoning ordinance. The amendment also would have given municipalities access to records of establishments that sell liquor, with the approval of the Bureau of Liquor Enforcement, for the purpose of investigating compliance with license requirements and would have added a fiscal note to the bill.