

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

MAY 1994

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Sen. James R. Handy
Sen. Stephen E. Hall*

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

Pursuant to the Constitution of Maine, the determination of the Supreme Judicial Court would not have been final in cases of election appeals, for the Senate and the House of Representatives still would have had the final authority to determine who would have been seated in their respective bodies.

The amendment also would have added a fiscal note.

**LD 1959 Resolve, to Provide the Secretary of State with Additional
Time to Validate Petitions for Initiated Legislation**

INDEF PP

SPONSOR(S)
GWADOSKY

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This resolve would have provided a one-time extension of 17 days for the Secretary of State to determine the validity of petitions to limit Congressional terms submitted in January, 1994 pursuant to the Maine Revised Statutes, Title 21-A, section 905. The resolve would also have ensured that the period of time during which any interested party may commence an action in Superior Court was likewise extended.

This resolve was never referred to committee.

LD 1964 An Act to Continue Election Reform Efforts

PUBLIC 583

SPONSOR(S)
WHITCOMB

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-900

SUMMARY

This bill does the following.

1. Expands the jurisdiction of the Commission on Governmental Ethics and Election Practices;
2. Directs the Secretary of State to keep a record of the number of ballots furnished to each municipality and certify to the Governor the number furnished to each municipality on election day;
3. Requires that an absentee ballot request include the reason for requesting an absentee ballot;
4. Requires that the return envelope in which an absentee ballot is placed include a statement regarding the reason for the absentee ballot request; and
5. Requires the municipal officers to specify each specific time that the clerk intends to begin processing absentee ballots and allows the candidate's representative to make absentee ballot inspection requests.

COMMITTEE AMENDMENT "A" (H-900) replaces the original bill.

The amendment requires municipal officers to specify each specific time that a clerk intends to begin processing absentee ballots so that candidates can plan to attend if they so choose.

The amendment allows a candidate's representative, as well as a candidate, to make absentee ballot inspection requests.

The amendment also requires the Commission on Governmental Ethics and Election Practices to review its current duties under the law and to identify issues that the commission has been asked to investigate and

has no clear authority to investigate. The amendment further directs the commission to report its recommendations and any proposed legislation that clarifies and, if necessary, expands the commission's jurisdiction to the joint standing committee of the Legislature having jurisdiction over legal affairs by January 30, 1995.

The amendment also adds a fiscal note.

**LD 1979 An Act to Allow Firearms Dealers, Importers and
Manufacturers to Comply with the Brady Handgun Violence
Prevention Act**

ONTP

SPONSOR(S)
CLUKEY

COMMITTEE REPORT
OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED

SUMMARY

The Brady Handgun Violence Prevention Act requires firearms dealers, importers and manufacturers to request the chief law enforcement officer of the place of residence of a potential handgun purchaser to conduct a criminal background check before transferring the handgun to the purchaser. This bill would have required the dealers, importers and manufacturers to pay a fee for that service. The fee would have been distributed in appropriate proportions to the State Bureau of Identification, the State Police administrative licensing division and the law enforcement agency conducting the check. The fees collected and distributed would have been used to cover the cost of providing the service.

COMMITTEE AMENDMENT "A" (H-971), the majority report of the committee, would have replaced the original bill.

This amendment would have made minor technical corrections to the bill.

The amendment also would have added an allocation section and a fiscal note.

HOUSE AMENDMENT "A" (H-990) would have replaced the committee amendment.

This amendment would have incorporated the statutory language from Committee Amendment "A" but also would have deleted the emergency preamble and the emergency clause from the bill and replaced the allocation section and fiscal note of the amendment.

HOUSE AMENDMENT "B" (H-994) would have replaced the committee amendment. The committee amendment would have imposed a fee on firearms dealers, importers or manufacturers who request the criminal background check required by federal law. This amendment would have eliminated the fee and appropriated from the General Fund those funds necessary for conducting the criminal background checks.

**LD 1995 An Act to Establish Fairness in the Placement of On-line
Lottery Machines**

PUBLIC 641
EMERGENCY

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill establishes an appeals process for applicants who are denied licenses to sell lottery tickets. An applicant who is denied a license by the Director of the Bureau of Alcoholic Beverages and Lottery Operations may appeal the decision to the State Liquor and Lottery Commission within 15 days of the mailing of the director's decision. An applicant who is aggrieved by the decision of the commission may