

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AND VETERANS AFFAIRS

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

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

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

LD 205 An Act to Amend Provisions of Law Voiding a Lease for Premises Defined as a Common Nuisance

PUBLIC 66

SPONSOR(S)
JONES K

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-127

SUMMARY

This bill repealed the provision of law that authorized the voiding of a lease for premises that constitute a common nuisance.

COMMITTEE AMENDMENT "A" (H-127) repealed Title 17, section 2744 and shifted the burden to a landowner to demonstrate that a nuisance has abated before any injunction or order may be modified or lifted in keeping with the common law procedure for determining the duration of when a nuisance injunction runs with the land. This amendment also prohibited a landlord from voiding the lease of a tenant on the grounds that the tenant had caused a common nuisance unless a declaration of a common nuisance was made by the Superior Court, upon the filing of information in the Superior Court pursuant to Title 17, section 2741 or upon a similar finding by the District Court as part of a forcible entry and detainer action commenced under Title 14, chapter 709. It also added a fiscal note to the bill.

LD 206 An Act to Amend the Laws Regarding Eviction of Mobile Home Park Tenants

ONTP

SPONSOR(S)
JONES K

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have amended the law regarding the eviction of mobile home park tenants by changing the "liquidated damages" language to a late fee.

LD 225 An Act to Require the Return of Interest Earned on Security Deposits

ONTP

SPONSOR(S)
STEVENS K

COMMITTEE REPORT
ONTP MAJ
OTP MIN

AMENDMENTS ADOPTED

SUMMARY

This bill would have required landlords to pay tenants interest earned on security deposits held in escrow accounts, subject to the conditions of the return of the security deposits. The bill would have required landlords to pay the interest accrued to that portion of the security deposit being returned to a tenant. This change would have applied to any security deposits held in an escrow account on January 1, 1996 and to any deposits placed in an escrow account after that date.

LD 234 An Act to Clarify the Liquor Licensing Laws for Certain Establishments

PUBLIC 159

SPONSOR(S)
STEVENS A

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-121

SUMMARY

This bill clarified the difference between a Class A restaurant and a Class A restaurant/lounge. It distinguished a Class A restaurant/lounge as an eating establishment that makes 55% or more of its gross

revenue from the sale of alcohol. The bill also clarified the circumstances under which minors may patronize Class A restaurant/lounges. Before this bill passed, minors and adults under the legal drinking age could not take a meal in eating establishments serving liquor and a light meal or "pub style" menu after 9 p.m.

COMMITTEE AMENDMENT "A" (S-121) replaced the bill and permitted all liquor licensees to begin selling alcoholic beverages at 9 a.m. on Sunday mornings. Under existing law as amended by Public Law 1995, chapter 46 (See LD 32), alcohol could not be sold until noon on Sundays, except by a Class A restaurant or a Class A restaurant/lounge, which may sell liquor on Sunday beginning at 9:00 a.m. The amendment also added a fiscal note to the bill.

LD 239 An Act to Prohibit Registering to Vote on Election Day

DIED BETWEEN BODIES

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
HALL	ONTP	MAJ	
	OTP	MIN	

SUMMARY

This bill would have prohibited voter registration on election day.

LD 240 An Act to Require Reporting by Political Action Committees That Endorse or Provide Funds to Local Municipal Candidates

ONTP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
AMERO	ONTP		

SUMMARY

This bill would have required political action committees that accept contributions, incur obligations or make expenditures in elections for municipal office to register and report to the municipal clerk. Under existing law only municipal candidates must file campaign reports.

The committee voted unanimously to replace the bill with a committee amendment. Later in the session, but before the LD went to the floor, the committee voted to ONTP this bill and folded this amendment into LD 1444, to avoid enacting conflicting law.

See LD 1444, An Act to Strengthen the Governmental Ethics and Campaign Reports and Finances Laws.

LD 255 An Act to Clarify the Statutory Prohibition of the Collection of More Than 2 Months of Rent in Advance

DIED BETWEEN BODIES

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
STEVENS K	OTP-AM	MAJ	
	ONTP	MIN	

SUMMARY

This bill would have amended the statute to include an advance rent payment as part of the tenant's security deposit. The collection of advance rent is limited to 2 months' rent by current law, which limits the amount of security deposit collected to 2 months' rent. Advance rent would not have included rent collected for the next upcoming rental period, and a landlord could not consider the rental period to be longer than one month.