

# 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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*Sen. Albert G. Stevens, Jr.*  
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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:

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

**SPONSOR(S)**

PARADIS

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

S-339

S-361 MICHAUD

**SUMMARY**

This bill required that retail tobacco sellers obtain a license from the Bureau of Alcoholic Beverages, Tobacco Sales and Lottery Operations under the State Liquor and Lottery Commission. It allowed for delegation of licensing to municipalities for retail tobacco sales.

The bill amended the prohibitions section relating to sales of cigarettes and tobacco products to minors, by making it unlawful for a minor to use fraudulent identification to obtain these products. It made special provisions for citizen enforcement of the laws regulating sales to minors by complaint to law enforcement officers.

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

The bill established procedures for license revocation and enforcement equivalent to liquor license procedures.

The bill required the Bureau of Health 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" (S-339) replaced the bill. It required retail tobacco sellers to obtain a one-time license with a maximum fee of \$25, which could be revoked or suspended, from the Department of Human Services. It permitted municipalities to exercise home rule regarding retail tobacco sales and smoking with some exceptions and grandfathered existing municipal ordinances.

The amendment expanded the prohibitions section relating to sales of cigarettes and tobacco products to juveniles, by making it unlawful for a juvenile to use fraudulent identification to obtain these products. It made special provisions for citizen enforcement of the laws regulating the sales to juveniles by complaint to law enforcement officers.

The amendment allowed the sale of cigarettes and other tobacco products through vending machines but required the vending machines were subject to licensure and provided for revocation or suspension of the license if cigarettes are sold to juveniles through a machine. The amendment also prohibited the sale of cigarettes in vending machines if the machine also sells products other than tobacco products. The Office of Substance Abuse was required to provide funds for contract enforcement officers, to be subcontracted through the Department of Human Services.

The amendment established procedures for license revocation and enforcement equivalent to liquor license procedures.

The amendment made the purchase, possession or use of cigarettes or other tobacco products by a juvenile a civil violation, but for the first 6 months that these provisions were in effect, any summons issued for these violations was a warning and not punishable by forfeiture or community service. Thereafter, these violations were punishable by fines between \$100 and \$500, community service work or both.

The amendment required the Bureau of Health to work with the Office of Substance Abuse to develop programs to educate tobacco sellers, juveniles and the general public about the laws prohibiting tobacco products to be sold to or purchased by juveniles, the consequences of violating those laws and the consequences of using tobacco.

The amendment added appropriation and allocation sections, and a fiscal note to the bill.

SENATE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (S-361) credited to the non-lapsing fund established within the department, 1/2 of the fines collected by the Administrative Court. In the committee amendment, those funds were credited to the General Fund. The fines collected in District Court continued to be credited to the General Fund. The amendment also required that the commissioner and the State Court Administrator mutually agree upon an amount to be transferred from the non-lapsing fund to the Judicial Department to cover the Judicial Department's administrative costs of implementing chapter 262-A.

Finally, the amendment made a technical correction in the wording of the distribution of fines from the District Court.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-644) would have removed language that expressly prohibited municipalities from enacting ordinances and regulations regarding tobacco displays, product placement and time of tobacco sales. (Not adopted)

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-352) would have been identical to HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A". (Not adopted)

**LD 848      An Act to Further the Privatization of Liquor Stores within the State      CARRIED OVER**

**SPONSOR(S)                      COMMITTEE REPORT                      AMENDMENTS ADOPTED**  
STEVENS A

**SUMMARY**

This bill opened up the agency liquor store licensing process by eliminating certain selection guidelines, including the location requirements of agency liquor stores and the license-bidding process. The Bureau of Liquor Enforcement was permitted to issue a license to any applicant who satisfied basic requirements and rules set by the bureau and who paid the annual \$2,000 license fee or \$300 license renewal fee.

The bill was carried over to the second session to await the report of the Study Task Force created in LD 1514, Resolve, Establishing the Task Force on Alcoholic Beverage Sales.

**LD 867      An Act to Provide Certain Renters in Boarding Homes with the Status of Tenant at Will      ONTP**

**SPONSOR(S)                      COMMITTEE REPORT                      AMENDMENTS ADOPTED**  
JONES K                      ONTP

**SUMMARY**

This bill would have accorded the legal status of tenant at will to a resident of a boarding home who rented the same premises for more than 60 consecutive days.