

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AND VETERANS AFFAIRS**

JUNE 1996

MEMBERS:

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Sen. Albert G. Stevens, Jr.

Sen. Michael H. Michaud

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Sponsor(s)
MICHAUD

Committee Report
OTP-AM MAJ
OTP-AM MIN

Amendments Adopted

LD 1303, carried forward from the First Regular Session, proposed to change the definitions of “game of chance” and “game of skill” in Maine gambling law. The bill was introduced while a challenge to a State Police interpretation of the current law was pending in court; the bill was carried over to allow the case to be decided prior to the Legislature’s acting upon the bill.

Decision was rendered in PVA v. State of Maine, York Superior Court Docket CV-93-686 and CV-94-412 (December 19, 1995); the court found that under the definition of “game of chance” the outcome of the game must depend in a material degree on an element of chance. The court found that “material degree” meant “decisive.” The bill proposed to define “game of chance” to mean a game the outcome of which depends to any degree on an element of chance.

(Not adopted. The definition was changed, however, by L.D. 1891.)

Committee Amendment "A" (S-517), which was the Majority Report of the Joint Standing Committee on Legal and Veterans Affairs, proposed to replace the bill. The amendment proposed to amend the laws on gambling by amending the definitions of "game of chance," "contest of chance" and "game of skill." The amendment proposed to make the defining factor in whether a game was a game of chance whether chance influenced the outcome in a way that could not be overcome by the application of skill. The amendment proposed to add a fiscal note.

(Not adopted. It is this version of the definitions, however, that was adopted through L.D. 1891.)

Committee Amendment "B" (S-518), which was the Minority Report of the Joint Standing Committee on Legal and Veterans Affairs, proposed to replace the bill. This amendment proposed the following:

1. To amend the title of the bill to reflect the content of the amendment and to remove the emergency preamble and the emergency clause from the bill;
2. To prohibit a person, society or organization from operating tournament video games without a license issued by the Chief of the State Police. The amendment proposed to define a “tournament video game” as a game of skill that includes elements of chance and that employs 10 or more video terminals electronically linked in a network;
4. To permit the following entities to obtain a license to operate tournament video games: a person licensed to accept pari-mutuel wagers on horse racing; a nonprofit society or organization founded, chartered or organized in this State at least 2 years before submitting an application for a license; the Penobscot Nation and the Passamaquoddy Tribe;
5. Pursuant to authority granted by federal law, to exempt licensed tournament video games from federal law that would otherwise prohibit transportation of the video terminals in the State; and
6. To add a fiscal note to the bill.

(Not adopted)

House Amendment "A" To Committee Amendment "A" (H-890) proposed to allow high-stakes beano games to be operated 52 weekends per year. It proposed to retain the fee of \$50,000 for a 27-weekend license and raise the license fee to \$100,000 for a 52-weekend license.

(Not adopted)

LD 1591 **An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to Harness Racing** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR	ONTP	

LD 1591, which was part of the Productivity Task Force Plan originally presented to the Appropriations Committee and which was separated from the rest of the plan and rereferred to the Legal and Veterans Affairs Committee, proposed to make adjustments to Other Special Revenue allocations for the Maine Harness Racing Commission and provide for the Commissioner of Agriculture, Food and Rural Resources to appoint the members of the Harness Racing Promotional Board.

LD 1611 **An Act to Allow Limited Partnerships between Brewers and Wholesalers** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON	ONTP MAJ OTP-AM MIN	

Current law prohibits a brewer from having a financial interest in a wholesaler. LD 1611 proposed to permit brewers and wholesalers to form limited partnerships: the brewer would be the limited partner and the wholesaler would be the general partner.

Committee Amendment "A" (S-446) which was the Minority Report of the committee, proposed to prohibit a brewer from participating in a limited partnership with a wholesaler for longer than 8 years. The amendment proposed to add a fiscal note.

(Not adopted)

LD 1621 **An Act to Amend the Campaign Finance Laws** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GWADOSKY	ONTP	

LD 1621 proposed to permit the Commission on Governmental Ethics and Election Practices, in the event a campaign finance report does not substantially conform to the requirements of campaign finance laws, to assess a penalty equal to a percentage of the amount not timely disclosed multiplied by the number of days the disclosure was late. The bill proposed to permit the commission to determine the amount to be levied for nonmonetary reporting deficiencies.