

# 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*

*Rep. Harry G. True, Chair*

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*Rep. Janice E. Labrecque*

**Staff:**

*Jon Clark, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*



**Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
Telephone: (207) 287-1670  
Fax: (207) 287-1275

**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 &amp; 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&amp;S XXX</i> .....                | <i>Chapter # of enacted Private &amp; 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.

**LD 1635 An Act to Amend the Law Concerning Tobacco Use by Juveniles**

PUBLIC 593

Sponsor(s)  
MILLSCommittee Report  
OTP-AMAmendments Adopted  
S-471

LD 1635 proposed to clarify the jurisdiction of the administrative court in the enforcement of violations of the tobacco laws.

**Committee Amendment "A" (S-471)** proposed to make a technical change to the bill to clarify that the Administrative Court has exclusive jurisdiction over all civil violations by tobacco licensees and their agents of the laws related to retail tobacco sales; to amend the laws related to transfers of retail tobacco licenses; and to amend the laws related to the sale or distribution of tobacco to minors to provide that it is an affirmative defense to prosecution that the defendant distributed tobacco products to a person under 18 years of age who furnished fraudulent proof of age.

***Enacted law summary***

Public Law 1995, chapter 593 clarifies that the Administrative Court has exclusive jurisdiction over all civil violations by tobacco licensees and their agents of the laws related to retail tobacco sales. It also provides that a corporate retail tobacco licensee whose stock is publicly traded must surrender its license if more than 51% of the shares of the stock are sold or transferred. It establishes as a defense to prosecution for distribution of tobacco products to minors that the defendant distributed tobacco products to a person under 18 years of age who furnished fraudulent proof of age.

**LD 1653 An Act to Amend the Election Laws**

DIED BETWEEN BODIES

Sponsor(s)  
NADEAUCommittee Report  
OTP-AMAmendments Adopted

LD 1653 proposed:

1. To amend the definition of “voting district;”
2. To clarify what records and documents are open to public inspection and to require that certain records may be excluded from public inspection pursuant to a court order of protection;
3. To change the timing of the appointment of a qualified registrar of voters;
4. To amend the term of office for the registrar of voters;
5. To amend the deadline for candidates by nomination petition to withdraw their enrollment;
6. To repeal a provision regarding the removal of a voter's name from the voting list for failure to meet voting requirements;

7. To amend the provisions regarding the declaration of intent for the formation of a new party by requiring the declaration to include the name of a candidate for Governor or for President in the last preceding general election who was nominated by petition under the proposed party's designation. It also proposed to require the telephone number and signature of the voter or group of voters who file a declaration of intent;
8. To require that a candidate who intends to form a new party around his/her candidacy to use the proposed party's designation;
9. To amend the statement required of a candidate in the candidate's consent on a candidate's petition to include a declaration that the candidate meets the qualifications of the office the candidate seeks;
10. To amend the law regarding the filing deadline of a nomination petition for a special election;
11. To provide for a refund of the filing fee for a candidate for the office of President who is unopposed in the primary;
12. To change the law related to the deposit requirements for election recounts by establishing several new levels in the payment scale;
13. To increase the number of absentee ballots that a 3rd person may have at any time;
14. To allow the return of an absentee ballot in person;
15. To amend the law regarding a broadcast announcement of a political action committee to provide that a committee's report may be viewed at the office of the Commission on Governmental Ethics and Election Practices; and
16. To amend the election laws to make them gender-neutral.

**Committee Amendment "A" (H-737) proposed**

1. To permit a candidate for State Senate or State Representative to withdraw a declaration agreeing to a voluntary spending limit if the opposing candidate does not agree to a spending limit. The amendment also proposed that a candidate that withdraws a declaration must be removed from the list, published by the Commission on Governmental Ethics and Election Practices, of those candidates who agree to spending limits;
2. To clarify that there is no statutory penalty imposed upon a candidate for failure to abide by a voluntary spending limit;
3. To provide that a registrar must place the name of a person who applies to register to vote or to enroll in a party on the voting list as soon as the voter is qualified;
4. To remove certain obsolete references in election law;
5. To preserve the law permitting a registrar of voters to remove a voter's name from a voting list for failure to meet voting requirements;
6. To prohibit a person paying another for collecting signatures if the payment is based on the number of signatures collected;

7. To remove the requirement that registrars hold particular hours before an election to accept walk-in voter registrations;
8. To remove the prohibition on a clerk delivering absentee ballots to persons who are members of a candidate's immediate family;
9. To permit more time for the Secretary of State to ensure proper printing of accurate ballot material by altering certain deadlines associated with party caucuses;
10. To make changes in several laws consistent with the proposal in the bill to amend provisions regarding the declaration of intent for the formation of a new party around a candidate;
11. To replace that portion of the bill concerning exclusion of a voter address from public inspection when the voter is protected by a court-issued protective order. The amendment proposed that a voter may have the voter's address excluded from the public record if the voter submits a signed statement that the voter has good reason to believe that the safety of the voter or of a member of the voter's family residing with the voter would be in jeopardy if the voter's address were open to public inspection.
12. To make technical changes to the bill, add an emergency clause to the bill (only those portions of the bill amending the laws related to voluntary spending limits by candidates were proposed to be made effective upon approval as an emergency) and add a fiscal note.

(Not adopted)

**Senate Amendment "A" To Committee Amendment "A" (S-461) and Senate Amendment "B" To Committee Amendment "A" (S-507)** both proposed to remove the provision of the committee amendment allowing a candidate for State Senate or State Representative to withdraw a declaration agreeing to a voluntary spending limit if the opposing candidate does not agree to a spending limit. Both amendments also proposed that spending limits apply to the entire election year, not per election.

(Not adopted)

**Senate Amendment "A" (S-470) and House Amendment "B" (H-778)** both proposed to prohibit persons who are currently charged with or have been convicted of violating state election laws from handling absentee ballots or participating in recount activities.

(Not adopted)

**House Amendment "A" (H-756)** proposed to prohibit persons who are under indictment for violation of state election laws from handling absentee ballots or participating in recount activities.

(Not adopted)

|                |  |                           |
|----------------|--|---------------------------|
| <b>LD 1692</b> | <b>An Act to Improve Local Control over Liquor Licensing</b> | <b>ONTP</b>               |
|                | <u>Sponsor(s)</u>  | <u>Committee Report</u>   |
|                | RAND   | ONTP                      |
|                |  | <u>Amendments Adopted</u> |

LD 1692 proposed to permit municipalities to deny or suspend a liquor license for noncompliance with a local zoning or land use ordinance. The bill proposed to give municipalities access to