

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

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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.

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)

LD 1692

An Act to Improve Local Control over Liquor Licensing

ONTP

Sponsor(s)
RAND

Committee Report
ONTP

Amendments Adopted

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

records of establishments that sell liquor, with approval from the Bureau of Liquor Enforcement, for the purpose of investigating compliance with licensing requirements. The bill also proposed to allow municipalities to hold hearings for consideration of requests for renewal of liquor licenses and for consideration of the suspension of liquor licenses.

**LD 1706 An Act to Implement the Recommendations of the
Task Force on Alcoholic Beverage Sales**

DIED BETWEEN BODIES

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

LD 1706 proposed to implement the unanimous recommendations of the Task Force on Alcoholic Beverage Sales.

The bill proposed to require the State to move as expeditiously as possible to close all state liquor stores with the goal of completing that process by August 31, 1996. The bill proposed that before a state store could be closed, there must be at least one reselling agency store within a 10-mile radius of the store closed.

The bill proposed that the transition to full privatization of delivery of wholesale and distribution functions be completed by February 1, 1998 through contracting with a private provider of integrated services. The bill proposed to require the Bureau of Alcoholic Beverages to develop contract performance standards and manage the bidding process. The bill proposed that the State retain control of approving products that are listed for sale in Maine, the determination of the wholesale price, the oversight of contracts with private service providers and the management of revenue collection. The bill proposed to require that the Bureau of Alcoholic Beverages establish a liquor tax that generates the same amount of revenue from the sale of alcoholic beverages as was generated in fiscal year 199-495. Concern was raised that this tax provision of the bill might violate the constitutional prohibition on delegation of taxing authority. Staff provided an oral opinion and the Attorney General provided a written opinion that concluded that the provision would not violate the constitutional prohibition.

The bill proposed to require the State to provide some retraining and outplacement assistance to displaced state employees.

The bill proposed to remove limitations on the number of agency stores beginning April 1, 1996. The bill proposed to eliminate requirements in current law regarding proximity to existing stores but to retain proximity requirements regarding churches and schools.

The bill proposed that any agent that is federally registered as a wholesale dealer be permitted to resell to another agent or to an on-premise licensee. The bill proposed to allow the Bureau of Alcoholic Beverages and Lottery Operations to develop wholesale purchase discounts for reselling agents. The bill proposed to change license fees.

The bill proposed to remove all limitations on product and price advertising.

The bill proposed that during the transition to full privatization, the State could authorize the warehouse to distribute to on-premises licensees on the same basis as to agency stores. The bill proposed to require that transportation costs be charged separately and not be included in the wholesale price.