

# 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:**

*Sen. Norman K. Ferguson, Jr., Chair*

*Sen. Albert G. Stevens, Jr.*

*Sen. Michael H. Michaud*

*Rep. Harry G. True, Chair*

*Rep. Guy R. Nadeau*

*Rep. Albert P. Gamache*

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*Rep. Kenneth F. Lemont*

*Rep. John T. Buck*

*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 1889**      **Resolve, to Validate the Reform Party Petition**

RESOLVE 74  
EMERGENCY

Sponsor(s)  
LAWRENCE

Committee Report

Amendments Adopted

LD 1889, which was enacted without reference to committee, proposed to establish by law that the Reform Party be deemed to have met the signature requirements for the purpose of qualifying as a political party under Maine law. This resolve also proposed to extend certain deadlines for the Reform Party to fulfill certain other specified requirements of law in order to qualify as a political party.

***Enacted law summary***

Resolve 1995, chapter 74 establishes by law that the Reform Party is deemed to have met the signature requirements for the purpose of qualifying as a political party under Maine law and extends certain deadlines for the Reform Party to fulfill other specified requirements of law in order to qualify as a political party.

**LD 1891**      **An Act to Clarify the Gambling Laws of Maine**

PUBLIC 674

Sponsor(s)  
BUCK

Committee Report

Amendments Adopted

LD 1891, which was enacted without reference to committee, was introduced immediately following the final vote on LD 1303. The bill proposed to change the definitions of "game of chance" and "game of skill" in Maine's gambling laws. The bill was intended to overrule the Maine Superior Court decision in Sylvester v. State of Maine, Superior Court Docket Nos. CV-93-686 and 94-412 (York County, December 19, 1995) in which the court ruled that a tournament video poker machine was a game of skill under the Maine Revised Statutes, Title 17, section 330, subsection 2-A. This bill proposed to change the law to make it clear that tournament video machines and similar games, contests, schemes or devices are games of chance regulated under the laws of Maine.

Currently, the defining element of a game or contest of chance is that the outcome depends in a material degree on an element of chance. This bill proposed to establish as the defining element whether chance influences the outcome of the game in a way that can not be overcome by the application of skill.

This bill also proposed to establish a mechanism for individuals and businesses to request a predetermination from the State Police of whether a game, contest, scheme or device is a game of skill or a game of chance, in order to assist private citizens in complying with the law.

The bill proposed to require the Chief of the State Police to notify licensees, incorporated civic organizations and the Maine Gaming Association of the provisions of the bill and the availability of the predetermination mechanism.