

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

JULY 1997

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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 Regular 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 IN CONCURRENCE</i> | <i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i> | <i>Emergency bill failed to get 2/3 vote</i> |
| <i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i> | <i>Committee report Ought To Pass In New Draft</i> |
| <i>OTP ND/NT</i> | <i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

LD 254 proposed to authorize Robert O'Malley to sue the State and individual past and present employees of the Department of the Attorney General who are covered by a liability insurance policy or policies to recover up to \$250,000 for damages resulting from investigation and prosecution of charges against him.

Committee Amendment "A" (H-337) proposed to replace the resolve. Instead of authorizing Robert O'Malley to sue the State, it requires the Governor to pay him \$150,000 in settlement of all claims resulting from the investigation and prosecution and appropriates \$150,000 from the General Fund.

Enacted law summary

Resolve 1997, chapter 69 requires the Governor to pay Robert O'Malley \$150,000 in settlement of all claims resulting from investigation and prosecution of charges against him.

LD 255 An Act to Consider the Horse Supply in the Assignment of Race Dates PUBLIC 416

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|------------------------------|---------------------------|
| TRIPP | OTP MAJ ONTP MIN | H-539 TRIPP |

LD 255 proposed to repeal the provision of law that requires every commercial harness horse racing track that was licensed for a specific calendar year to be given all the race dates it requests if it conducted live racing on those dates during the immediately preceding calendar year.

House Amendment "A" (H-539) replaced the original bill and proposed to allow the State Harness Racing Commission to conduct a hearing to determine the adequacy of the horse supply when establishing the number of dashes that a licensee may race.

Enacted law summary

Public Law Chapter 416 allows the State Harness Racing Commission to conduct a hearing to determine the adequacy of the horse supply when establishing the number of dashes that a licensee may race.

LD 257 An Act to Amend the Liquor Laws PUBLIC 501

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TRUE | OTP-AM | H-428 S-416 MICHAUD |

LD 257 proposed to:

1. Clarify that gifts may not be offered to the purchaser of an alcoholic beverage either on the container or the packaging;
2. Change a reference from "drinks" to "liquor;"

3. Regulate areas where the service and consumption of liquor may take place when it is offered for sale by on-premise licensees;
4. Allow the Bureau of Liquor Enforcement to immediately take back and void a license issued to an in-state winery or brewery when the licensee fails to make required tax payments; and
5. Prohibit the importation of liquor by mail order.

Committee Amendment "A" (H-428) clarified how merchandise, certificates or mail-in offers may be distributed and requires that they be packaged at the brewery or winery. The amendment also extended to restaurants the ability to obtain an auxiliary license in a separate building with restrictions.

Senate Amendment "A" (S-416) removed the provision that extends to restaurants the ability to obtain an auxiliary license in a separate building.

Enacted law summary

Public Law 1997, 501 clarifies how merchandise, certificates or mail-in offers may be distributed and requires that they be packaged at the brewery or winery. P.L. 501 also prohibits the importation of liquor by mail order.

LD 267 **An Act Regarding the Redistricting of Ogunquit** **ONTP**

| | | |
|-------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u> LAWRENCE | <u>Committee Report</u> ONTP | <u>Amendments Adopted</u> |
|-------------------------------|---------------------------------|---------------------------|

LD 267 proposed to redistrict the Town of Ogunquit to place all of the town in House District 3.

LD 278 **An Act to Allow Candidates' Presence at Voting Places Solely for the Purpose of Voting** **ONTP**

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

LD 278 proposed to allow a candidate to attend the voting place on election day only for the purpose of voting, and would have prohibited a candidate from lingering or communicating with other voters at the voting place.

Committee Amendment "A" (H-217), which was not adopted, proposed to replace the bill. Instead of prohibiting candidates from being present at the voting place for purposes other than voting, it would have clarified the warden's powers with regard to candidates at the voting place, allowed a warden to designate a location for the candidate to be positioned for purposes other than voting and clarified that the warden has the authority to have a peace officer remove the candidate for failure to comply with the location designation or the prohibition against influencing voters.