

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 695

An Act to Amend Security Deposit Provisions for Residential Rental Units

PUBLIC 261

| | | |
|---|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> CHIZMAR JENKINS | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> H-333 |
|---|-----------------------------------|------------------------------------|

LD 695 proposed to allow a landlord to retain a tenant's security deposit if the landlord incurs unanticipated costs for the cleaning of the rented premises.

Committee Amendment "A" (H-333) replaced the bill. It proposed to clarify that costs of cleaning a rental unit to return it to habitable condition are not sums attributable to normal wear and tear, and therefore the landlord may withhold those costs from the tenant's security deposit.

Enacted law summary

Public Law 1997, chapter 261 clarifies that costs of cleaning a rental unit to return it to habitable condition are not sums attributable to normal wear and tear, and therefore the landlord may withhold those costs from the tenant's security deposit.

LD 708

An Act to Protect Small, Independent Businesses Not Meeting Minimum Lottery Sales Requirements

CARRIED OVER

| | | |
|---|-------------------------|---------------------------|
| <u>Sponsor(s)</u> FULLER KILKELLY | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---|-------------------------|---------------------------|

LD 708 proposes to require that an agent whose license is recommended for suspension or revocation by the Director of Alcoholic Beverages and Lottery Operations be immediately notified of the recommendation and given the opportunity to file within 15 days a statement in opposition to the director's recommendation.

The bill proposes to allow the State Lottery Commission to consider the impact that suspension or revocation of the license would have within the geographic area served, specify the procedure for appealing the commission's decision and authorize the commissioner to adopt rules necessary to implement the provision governing suspension and revocation of licenses.

This bill has been carried over to the second regular session.

LD 719

An Act to Provide Certain Renters with the Status of Tenant at Will

ONTP

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

LD 719 proposed to accord the legal status of tenant at will to a resident of a boardinghouse who rents the same premises for more than 60 consecutive days.

LD 723 **An Act to Establish a Residential Care Facility for Veterans in Washington County** **ONTP**

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

LD 723 proposed to require the Board of Trustees of the Maine Veterans' Homes to establish a veterans' home in Washington County when federal funds become available for construction. The home would have provided residential care or assisted living care, and eligibility would have been determined using Medicaid eligibility standards in effect prior to enactment of the so-called "Med '94" standards.

LD 731 **An Act to Aid Municipalities by Eliminating Same Day Registration** **ONTP**

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

LD 731 proposed to repeal election-day voter registration and require a person to register at least 24 hours before the polls open on election day.

LD 740 **An Act to Permit the Temporary Removal of Gravestones from Cemeteries for the Purpose of Repair** **PUBLIC 193**

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|-----------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> LAYTON | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-224 |
|-----------------------------|--|-----------------------------------|--|------------------------------------|

LD 740 proposed to permit the removal of a gravestone or marker from a cemetery for repair or restoration if permission is granted and the repair can not be accomplished at the site.

Committee Amendment "A" (H-224) required notification to the municipality before removal of a memorial.

Enacted law summary

Public Law 1997, chapter 193 permits the removal of a gravestone or marker from a cemetery for repair or restoration if permission is granted, the municipality is notified prior to the removal and the repair can not be accomplished at the site.