

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AND VETERANS' AFFAIRS

MAY 1998

MEMBERS:

Sen. Beverly C. Daggett, Chair

Sen. Richard J. Carey

Sen. Norman K. Ferguson, Jr.

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Rep. Albert P. Gamache

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 2113

An Act to Establish Ethical Standards for the Office of Governor

DIED BETWEEN BODIES

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

LD 2113 proposed to expand the authority of the existing Commission on Governmental Ethics and Election Practices to include investigating and making advisory recommendations relative to any apparent violations of the ethical standards required of the Governor and would require the Governor to adhere to similar ethical standards that apply to Legislators.

It proposed to require the Governor to disclose conflicts of interest and would require the Governor to meet the disclosure of income standards that currently apply to Legislators. Similarly, it would require the Governor to disclose gifts and honoraria.

Committee Amendment "A" (S-586) proposed to change which party may call an organizational meeting of the Commission on Governmental Ethics and Election Practices from the President of the Senate and the Speaker of the House to the Secretary of State. This amendment would remove the requirement that the commission conduct an ethics seminar for the Governor, clarify the definition of "honorarium" and define "legislative matter." It would provide that the commission has the authority to issue advisory opinions to the Governor and investigate complaints by the Governor against a Legislator.

This amendment would add the Governor and the Secretary of State to the list of those to whom the commission reports when dealing with complaints against the Governor. It also proposed to remove the requirement of a press release when presenting findings of an investigation of complaints against the Governor.

This amendment proposed to require that commission advisory opinions and findings regarding complaints be filed with the Office of the Governor in addition to the Clerk of the House. It would also add a section that defines abuse of executive office.

LD 2124

An Act to Allow Liquor Licenses for Commercial Vessels

PUBLIC 656 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM MAJ	H-915
	ONTP MIN	

LD 2124 proposed to permit commercial vessels licensed for carrying 25 or more passengers on inland waters to obtain liquor licenses.

Committee Amendment "A" (H-915) proposed to add commercial vessels navigated on inland waters to the liquor licensing provisions of the statutes and provide that a commercial inland vessel does not require municipal or county approval to obtain a liquor license.

Enacted law summary

Public Law 1997, chapter 656 permits commercial vessels licensed to carry 25 or more passengers on inland waters to obtain a liquor license without municipal or county approval. This license would permit the distribution of liquor only after leaving and prior to reaching its dock. This law was enacted as an emergency measure effective April 1, 1998.

LD 2155 An Act to Encourage Hospitality Industry Development in the State PUBLIC 659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT VIGUE	OTP-AM	S-532

LD 2155 proposed to carve out specific exceptions to the prohibition against retail liquor licenses having direct or indirect financial interest in a certificate of approval holder if the retail licensee is a hotel and the certificate of approval holder has no interest in a wholesale licensee.

Committee Amendment "A" (S-532) clarifies legislative intent regarding separation of interest between liquor manufacturing, wholesaling or retailing. It also clarifies the Legislature's commitment to the three-tier system by enacting a provision governing statutory construction of the exception contained in the bill.

Enacted law summary

Public Law 1997, chapter 659 provides specific exceptions to the prohibition in the liquor licensing laws against a certificate of approval holder having a direct or indirect financial interest in a retail licensee.

LD 2157 Resolve, to Allow the Estate of Barbara Maxfield to Sue the State RESOLVE 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL SHIAH	OTP-AM MAJ ONTP MIN	S-494 S-529 SMALL

LD 2157 proposed to direct the Governor to pay \$500,000 from the General Fund in full settlement of any and all claims against the State, the Department of Public Safety and the Maine State Police for damages resulting from the March 23, 1997 accident at the Maine Turnpike, Exit 6-A tollbooth in Scarborough in which Barbara Maxfield was killed.

Committee Amendment "A" (S-494) reduces the amount of the appropriation to the estate of Barbara Maxfield from \$500,000 to \$275,000.

Senate Amendment "A" to Committee Amendment "A" (S-529) replaces the bill. It proposed to authorize the estate of Barbara Maxfield to sue the State on behalf of Allan Maxfield for damages due to alleged negligence on the part of the State for failure to intercept a drunken driver who killed Barbara Maxfield at the Maine Turnpike Exit 6-A tollbooth.