

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

CARRIED OVER.....Bill carried over to Second Regular Session
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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE CAREY	OTP-AM	H-27

LD 367 proposed to clarify that the Bureau of Liquor Enforcement may consider changes to the selling location within a licensed premises rather than changes in the physical location of the entire premises when it receives an application for renewal of a liquor license.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-27) clarified the bill by stating that the Department of Public Safety, Bureau of Liquor Enforcement may not consider a minor change in the placement of liquor inventory that is within the scope of an agency liquor license, state law and agency rule as a reason to deny a renewal of a retail license.

Enacted law summary

Public Law 1999, chapter 34 amended current law to clarify that the Bureau of Liquor Enforcement may consider changes to the selling location of liquor within a licensed premises not simply the location of the premises itself when it receives an application for renewal of a liquor license. Public Law 1999, chapter 34 further stipulates that minor changes of the selling location of liquor within a licensed premises may not be a factor for renewal of a retail license as long as that changes does not go beyond scope of the laws pertaining to the placement and marketing of liquor within a licensed premises.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH CAREY	OTP-AM	S-333 DAGGETT

LD 382 proposed to allow a law enforcement officer to detain a person whom the officer believes to be a minor and to require that person to provide proof of name, address and date of birth if the person, as a minor, is the underlying cause or an element of a violation on the premises of a licensed liquor establishment.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-313) proposed to strike the entire bill and replace it with two provisions that make refusal to provide proper identification a violation of the liquor laws. It also proposed to change the title of the bill.

Senate Amendment "A" (S-333) replaced the bill. This amendment provided that a person who fails to provide proper identification to a law enforcement officer is subject to a civil forfeiture if:

1. The person is present on a licensed premises at a time when minors are not permitted to be on the premises;
2. The officer has reasonable and articulable suspicion that a violation of law has taken place or is taking place because a minor is present on licensed premises;

3. The officer has a reasonable and articulable suspicion that the person is a minor; and
4. The officer has informed the person that the officer is investigating a possible liquor violation involving the presence of minors on the licensed premises and that the officer believes that the person is a minor.

Enacted law summary

Public Law 1999, chapter 413 provides that a person who fails to provide proper identification to a law enforcement officer is subject to a civil forfeiture if:

1. The person is present on a licensed premises at a time when minors are not permitted to be on the premises;
2. The officer has reasonable and articulable suspicion that a violation of law has taken place or is taking place because a minor is present on licensed premises;
3. The officer has reasonable and articulable suspicion that the person is a minor; and
4. The officer has informed the person that the officer is investigating a possible liquor violation involving the presence of minors on the licensed premises and that the officer believes that the person is a minor.

LD 396 An Act to Give Standing to Any Person Who Witnesses a Violation at a Polling Place ONTP

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 396 proposed to give a registered voter witnessing a violation at a polling place standing to seek an injunction of relief or declaration of violation in Superior Court.

LD 416 An Act to Ensure the Maintenance, Protection and Repair of Veterans' Graves, Headstones, Monuments and Markers ONTP

<u>Sponsor(s)</u> LIBBY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 416 proposed to change current law, which requires towns to maintain the graves and markers of any Revolutionary War soldiers or sailors or any soldiers or sailors who were in the United States Army, Navy or Marines and who served in a war and are buried in graveyards in that town. A town that fails to do so may be penalized up to \$100.

This bill proposed to increase the fine to \$200 and make it mandatory.