

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.

five business days after the election. The bill would remove the Secretary of State's responsibility for assisting the Commission on Governmental Ethics and Campaign Practices with its duties under the Maine Revised Statutes, Title 21-A. The bill proposed to make other technical changes that correct inconsistencies with other parts of the laws.

This bill was submitted on behalf of the Secretary of State.

Committee Amendment "A" (H-622) proposed to make technical changes to the original bill. It removed the provision that allows student election clerks to fill vacancies in the office of election clerk. It clarified references to residential care facilities.

House Amendment "A" to Committee Amendment "A" (H-663) clarified that the provisions of the committee amendment apply to Level II licensed residential care facilities rather than to all licensed residential care facilities. It deleted a reference to Level II with respect to licensed nursing homes.

Enacted law summary

Public Law 1999, chapter 426 changes the definition of a write-in candidate and requires that the candidate file a declaration of write-in candidacy with the Secretary of State to be considered a valid write-in candidate. This law also requires a candidate, who wishes to withdraw from an election, for reason other than disqualification or death, to do so at least 60 days before the primary in order to be allowed to replace the candidate. Public Law 1999, chapter 426 also extends the deadline for a municipality to hold a hearing on consolidating or establishing new voting districts from 60 to 90 days before the election. The deadline for requesting a recount of election results is changed from seven to five business days under this law. Among other minor technical changes and clarifications, this law removes the responsibility from the Secretary of State to assist the Commission on Governmental Ethics and Election Practices with its duties.

LD 759 An Act to Expedite Disputes among Commercial Landlords and Tenants PUBLIC 192

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-129
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LD 759 proposed to expedite disputes among commercial landlords and tenants. The bill would allow the landlord and tenant the opportunity of choosing arbitration as a way of resolving a dispute. The bill also proposed to establish a bonding mechanism for commercial landlord and tenant relationships. The bill also proposed to authorize a negotiated waiver of jury trial.

Committee Amendment "A" (S-129) made technical corrections to the bill.

Enacted law summary

Public Law 1999, chapter 192 provides that a landlord and tenant have the opportunity to choose arbitration as a method of resolving a dispute. It also establishes a bonding mechanism for commercial landlord and tenant relationships and authorizes a negotiated waiver of jury trial.

LD 773 An Act to Require the Missing-in-Action Flag to Be Flown on State-owned Flag Poles ONTP

<u>Sponsor(s)</u> TRUE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 773 proposed to require that the missing-in-action flag be flown from each flag pole where the state flag is flown.

LD 850

An Act to Institute Wild Number Beano

PUBLIC 419

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-675
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LD 850 proposed to allow an organization licensed to conduct beano to conduct wild number beano. "Wild number beano" means a beano game or series of beano games in which a number is picked or denoted as a wild number that can be used to fit any number or letter on a beano card.

Committee Amendment "A" (H-675) proposed to make technical corrections to the original bill.

Enacted law summary

Public Law 1999, chapter 419 allows an organization licensed to conduct beano to conduct wild number beano. "Wild number beano" means a beano game or series of beano games in which a number is picked or denoted as a wild number that can be used to fit any number of letter on a beano card.

LD 865

An Act to Make Uniform Hours for Agency Liquor Stores

ONTP

<u>Sponsor(s)</u> MICHAUD		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 865 proposed to remove the prohibition on selling liquor on Sunday mornings before 9 a.m., which would make hours of sale the same for all days of the week.

LD 868

An Act to Eliminate the Requirement of Cash on Delivery for Beer and Wine Sales to Businesses

ONTP

<u>Sponsor(s)</u> PINGREE MACK		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 868 proposed to repeal the law which requires cash, check or credit card payment by a licensee upon delivery of liquor by a wholesale licensee.