MAINE STATE LEGISLATURE

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STATE OF MAINE 119TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES JOINT STANDING COMMITTEE ON LEGAL AND VETERANS' AFFAIRS

JULY 2000

MEMBERS:

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ONE HUNDRED NINETEENTH LEGISLATURE SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees July 2000

We are pleased to provide this summary of 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, <u>History and Final Disposition of Legislative Documents</u>, 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 XXXCh	apter # of Constitutional Resolution passed by both Houses
DIED BETWEEN BODIES	House & Senate disagree; bill died
	ccepts ONTP report; the other indefinitely postpones the bill
	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
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 LawChapter # of enacted Public Law
PUBLIC XXX	Chapter # of enacted Public Law
RESOLVE XXX	Chapter # of finally passed Resolve
UNSIGNED	Bill held by GovernorLegislature failed to override Governor's Veto
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 August 11, 2000.

Joint Standing Committee on Legal and Veterans' Affairs

LD 151 An Act to Prohibit Mandatory Maine National Guard Membership

ONTP

PUBLIC 700

Sponsor(s)	Committee Report	Amendments Adopted
BAKER	ONTP	
RUHLIN		

LD 151 proposed to prohibit the State from requiring that membership in the Maine National Guard be a condition of obtaining or retaining any position of employment by the State.

LD 873

An Act to Clarify Responsibilities for the Maintenance of Veterans' Grave Sites

mendments Adonted

Sponsor(s)	Commi
LAWRENCE	ГО
BERRY R	

OTP-AM

Amendments Adopted
H-995 COWGER
S-581

LD 873 proposed to update and amend municipal responsibilities for veterans' grave sites, including:

- 1. Changing the term "soldier or sailor who served in the United States Army, Navy or Marine Corps in any war" to "veterans of the Armed Forces of the United States of America";
- 2. Changing the liability of the municipality for failing to properly maintain veterans' grave sites from \$100 per town to \$500 per cemetery for each municipality;
- 3. Changing the term "May 30th" for the decoration of veterans' graves to "the day Memorial Day is observed"; and
- 4. Requiring municipalities to follow the National Flag Code in the handling and display of American flags.

Committee Amendment "A" (S-581) proposed to clarify the law pertaining to municipal and county responsibility for maintaining veterans' graves. It proposed to provide that a landowner who denies a municipality or county access to an ancient burying ground may be responsible for court costs and fees for legally obtaining access to the graves. This amendment also proposed to remove the municipality's or county's option of erecting a single flagpole instead of placing individual flags on each veteran's grave on Memorial Day. This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-995) proposed to clarify that municipalities are not responsible for the maintenance and decoration of veterans' graves on land owned by the Federal Government as of January 1, 2000.

House Amendment "B" to Committee Amendment "A" (H-1011), which was not adopted, proposed to remove the mandate preamble from the bill and provide an appropriation from the General Fund to pay 90% of the costs of placing individual flags on the graves of all wartime veterans.

House Amendment "C" to Committee Amendment "A" (H-1065), which was not adopted, proposed to remove the mandate preamble from the bill and provide an appropriation from the General Fund to pay 90% of the costs of placing individual flags on the graves of all wartime veterans located in cemeteries where a municipality had previously erected a single flagpole.

House Amendment "D" to Committee Amendment "A" (H-1074), which was not adopted, proposed the same as House Amendment "C" to Committee Amendment "A".

Senate Amendment "A" to Committee Amendment "A" (S-665), which was not adopted, proposed to reinstate the language that allows a municipality to erect a flagpole as an alternative to placing an American flag on the graves of veterans of the Armed Forces.

Enacted law summary

Public Law 1999, chapter 700 clarifies the law pertaining to municipalities' responsibilities for maintaining veterans' graves established before 1880. Under this law a municipality may be fined \$100 per complaint for a grave that has not been maintained. If the municipality continues to neglect the grave(s), after 2 weeks upon receiving notice, an additional \$100 fine will be imposed. Fines accumulate every 2 weeks that the grave is neglected.

Public Law 1999, chapter 700 also provides that a municipality may sue for access to graves that they are required to maintain which are on private land unless the owner agrees to maintain the grave(s) to statutory standards.

The law also removes a provision which provided that municipal cemeteries had the option to erect a single flagpole in the cemetery to recognize veterans on Memorial Day. With that option gone, municipal cemeteries must place individual flags on each veteran's grave.

LD 1035 An Act to Require Maine's Off-track Betting Facilities to Promote Maine Racing

ONTP

 $\begin{array}{c|cccc} \underline{Sponsor(s)} & \underline{Committee\ Report} & \underline{Amendments\ Adopted} \\ BRUNO & ONTP & \end{array}$

LD 1035 proposed to require off-track betting facilities to display races from a Maine racetrack on 1/3 of their monitors. If more than one Maine racetrack broadcasts its races than the bill proposed to require the off-track betting facility to dedicate one-half of its monitors to Maine races.