

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.

Committee Amendment "A" (S-228) proposed to provide that the advisory committee may exempt courses from evaluating their participants. It would further clarify the bill to refer to the administrator of the instructor certification program as program administrator instead of officer of the Bureau of Liquor Enforcement within the Department of Public Safety. The amendment proposed to remove the decrease in fee for the alcohol server training course and reinstates the \$28 amount. A provision that allows the bureau to adopt rules to waive the fee in cases of demonstrated need and hardship is also added to the bill.

House Amendment "A" (H-598), which was not adopted, proposed to require all alcohol servers working in establishments open for the purchase of liquor between the hours of 10 p.m. and 1 a.m. the following day to complete a certified alcohol server education course. The employment of uncertified alcohol servers in such places of business would be prohibited under this amendment.

House Amendment "A" to Committee Amendment "A" (H-605), which was not adopted, proposed to prohibit the Bureau of Liquor Enforcement from charging a fee for alcohol server education courses.

Enacted law summary

Public Law 1999, chapter 519 amends the law pertaining to alcohol server education courses as follows>

1. It allows for the admissibility of evidence that serving practices were not negligent or reckless for servers who attend alcohol server education courses recommended by the Server Education Advisory Committee and approved by the Commissioner of Public Safety.
2. It adjusts the membership of the Server Education Advisory Committee to reflect current attendance.
3. It allows the Server Education Advisory Committee to relax the preevaluation process for certain alcohol server courses.
4. It reduces the fee for attending an alcohol server education course sponsored by the Bureau of Liquor Enforcement from \$28 to \$10 and dedicates the fee to maintaining alcohol server education training.
5. It creates a certification process for alcohol server course instructors.

LD 966

An Act to Allow Indian Gaming at Established Commercial Race Tracks

ONTP

Sponsor(s)
DUNLAP

Committee Report
ONTP

Amendments Adopted

LD 966 proposed to permit a federally recognized Indian tribe to conduct high-stakes beano or bingo at certain established commercial racetracks.

LD 973

An Act to Amend the Illegal Transportation of Liquor Law

**VETO
SUSTAINED**

Sponsor(s)
THOMPSON

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted
H-383

LD 973 proposed to increase the amounts of spirits, wine and malt liquor that may be legally transported within and into the State.

Committee Amendment "A" (H-383) proposed to correct an oversight in the original bill by also increasing the legal limit for importation of wine by a person who does not have a wholesale license, small brewery license or farm winery license from four quarts to 12 quarts.

LD 985 **An Act to Increase the Penalties for Providing Alcohol to a Minor,
Possession of Alcohol by a Minor and Certain Other Offenses** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASSIDY PIEH	ONTP	

LD 985 proposed to increase the penalties for certain offenses involving minors and alcohol. It provided that for offenses including the purchase or possession of liquor by a minor, the fine may not be suspended; the judge shall assign the minor to perform at least 10 hours of community service; and the minor shall attend at least two hours of alcohol counseling. It also provided for increased fines and a mandatory minimum term of imprisonment of 30 days for offenses including furnishing or allowing consumption of liquor by a minor.