

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

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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, 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
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP.....Bill Indefinitely Postponed
ONT P..... 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 August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

As proposed, the license specifies the number of terminals allowed on the premises, and that the maximum number of terminals allowed is 5 per licensee. Terminals would be licensed by the Chief of the State Police and would be required to be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations. This computer system would provide continuous on-line monitoring of video gaming terminal activity. Persons under 21 years of age would not be allowed to use the machines. Only members of the organization and their guests would be allowed to play, except that the organization may obtain a license to offer the machines for public use once every 6 months for a period of 3 consecutive days. The bill proposed that the maximum dollar amount for each play would be \$2 and the maximum payout would be \$1,000. Each game on each machine would be required to return at least 90% of wagers to players, calculated on an annual basis.

As proposed by this bill, a single distributor would not be able to own more than 300 machines or 15% of the total number of machines in the State, whichever is less. A person could not hold more than one type of license; for example, a distributor would not be able to also act as a licensee or a manufacturer.

Net terminal income, which is income after payback to players, was proposed to be divided as follows: 33 1/3% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and General Fund revenue; 33 1/3% to the distributor; and 33 1/3% to the licensee.

The bill proposed that licenses be issued for one year. Applicants for an initial license must pay the actual costs of processing the application and performing the background investigation.

LD 1728

Resolve, Authorizing the Members of the Sullivan Family to Bring Suit Against Waldo County and the State

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	ONTP MAJ OTP MIN	

LD 1728, a resolve, proposed to authorize John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan to bring a civil suit against the State for damages resulting from an automobile accident, which occurred on July 2, 1998 on Route 131 in Waldo.

Committee Amendment "A" (S-154) proposed to do the following:

1. Modify the resolve to authorize a suit against Waldo County rather than the State;
2. Add a mandate preamble to the resolve;
3. Remove language limiting recovery to the applicable insurance policy limits;
4. Change the title to reflect the changes to the resolve; and
5. Add a fiscal note.

Committee Amendment "B" (S-601) proposed to authorize John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan to bring a civil suit against the State and Waldo County for damages resulting from an automobile accident that occurred on July 2, 1998 on Route 131 in the Town of Waldo. The judgment, including cost and interest, could not exceed a total of \$1,000,000; \$300,000 from the county and \$700,000 from the State, under this amendment.

House Amendment "A" to Committee Amendment "B" (H-1123) proposed to incorporate the changes made by Committee Amendment "B," and clarify that the liability assessed against the State and Waldo County would be limited to \$700,000 for the State and \$300,000 for Waldo County and would limit the waiver of immunity to an increase of the cap on damages from \$400,000 to \$1,000,000.

House Amendment "B" to Committee Amendment "B" (H-1126) proposed to incorporate the changes made by Committee Amendment "B," and clarify that the liability assessed against the State and Waldo County would be limited to \$700,000 for the State and \$300,000 for Waldo County and limits the waiver of immunity to an increase of the cap on damages from \$400,000 to \$1,000,000.

Senate Amendment "A" to Committee Amendment "B" (S-603) was presented on behalf of the Committee on Bills in the Second Reading to correct a technical omission in the committee amendment.

Senate Amendment "B" to Committee Amendment "B" (S-646) proposed that, notwithstanding the Maine Revised Statutes, Title 14, section 8105, subsection 1, the limit on damages, including costs and interest, would be \$1,000,000 in any suit brought by John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan, who claimed to have suffered damages as a result of an automobile accident that occurred July 2, 1998 on Route 131 in Waldo due to the negligence of an employee of the Waldo County Sheriff's Department. Waldo County could not be ordered to pay more than \$300,000 under this amendment and the State would not be ordered to pay more than \$700,000.

Senate Amendment "C" to Committee Amendment "B" (S-664) proposed that, notwithstanding the Maine Revised Statutes, Title 14, section 8105, subsection 1, the limit on damages, including costs and interest, would be \$1,000,000 in any suit brought by John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan, who claimed to have suffered damages as a result of an automobile accident that occurred July 2, 1998 on Route 131 in Waldo due to the negligence of an employee of the Waldo County Sheriff's Department. Under this amendment, Waldo County would not be ordered to pay more than \$300,000 and the State would not be ordered to pay more than \$700,000. This amendment proposed that if Waldo County is liable for an amount greater than \$300,000, the State would pay the amount that exceeds \$300,000, except that the amount paid by the State, when added to the amount, if any, the State would be ordered to pay on the basis of its own liability, could not exceed \$700,000.

Senate Amendment "D" to Committee Amendment "B" (S-682) proposed that, notwithstanding any statute or common law to the contrary, John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan, who claim to have suffered damages as a result of an automobile accident that occurred July 2, 1998 on Route 131 in Waldo due to the negligence of an employee of the Waldo County Sheriff's Department, would be authorized to bring a civil action against Waldo County and the State. The limit on damages, including costs and interest, would be \$1,000,000. Waldo County would not be ordered to pay more than \$300,000. The State would not be ordered to pay more than \$700,000. The amendment proposed that, if Waldo County is liable for an amount greater than \$300,000, the State would pay the amount that exceeds \$300,000, except that the amount paid by the State, when added to the amount, if any, the State is ordered to pay on the basis of its own liability, would not exceed \$700,000.