

# 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](http://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>
JOY	ONTP MAJ OTP-AM MIN	

LD 1832 proposed to prohibit a state agency or independent agency employee from taking a position or expressing personal opinion in testimony before a committee of the Legislature.

**Committee Amendment "A" (H-415)**, which was not adopted, proposed to clarify the original bill by restricting anyone officially representing a state agency from taking a position or expressing a personal opinion on an issue when testifying before a legislative committee. That person would have been permitted to provide written information and respond to committee requests either orally or in writing under this amendment.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE CAREY	OTP-AM	H-703 S-367 DAGGETT

LD 1837 proposed to amend the harness racing laws regarding exclusive bargaining agent elections and allows greater voter participation in the election. The bill proposed to establish a compulsory binding arbitration process to resolve disputes between exclusive bargaining agents and commercial racetracks. It would have provided for auditing procedures enabling the exclusive bargaining agents and the Harness Racing Commission to have the purse trust accounts audited. The bill also proposed to amend the definition of a commercial racetrack and makes the definition retroactive to January 1, 1999.

**Committee Amendment "A" (H-703)** proposed to delete all language in the original bill that would amend the laws pertaining to the relationship between the exclusive bargaining agent and a harness racing track and the distribution of the handle from harness racing events. It clarified the definition of "commercial track" retroactively. The amendment changed the way an eligible voter is determined in the process of selecting the exclusive bargaining agent. It also extended, by one year, the repeal of the laws pertaining to the relationship between the exclusive bargaining agent and a harness racing track. Finally, the amendment proposed to establish a dispute resolution process, which begins with voluntary mediation and requires a racetrack and the exclusive bargaining agent to submit to binding arbitration if no resolution is reached using a mediator.

**House Amendment "A" to Committee Amendment "A" (H-706)**, which was not adopted, proposed to remove all requirements for a harness racing track and the exclusive bargaining agent for the track to submit to binding arbitration.

**Senate Amendment "A" to Committee Amendment "A" (S-367)** proposed to remove the requirement for binding arbitration and created a more detailed mediation process for the racetrack and the exclusive bargaining agent.

#### *Enacted law summary*

Public Law 1999, chapter 482 clarifies the definition of commercial track in the harness racing industry, retroactively, and changes the way an "eligible voter" is determined in the process of selecting an exclusive bargaining agent to work with the tracks. It also extends, by one year, the repeal of the laws pertaining to the relationship between the exclusive

bargaining agent and the harness racing track. Finally, Public Law 1999, chapter 482 establishes a detailed mediation process for the racetrack and the exclusive bargaining agent.

**LD 1848**                      **An Act to Require the Display of the Prisoner of War - Missing in Action Flag**                      **PUBLIC 302**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR BERUBE	OTP-AM	H-369 S-231 MURRAY

LD 1848 proposed to require the Prisoner Of War - Missing In Action flag to be flown above the State House, on a municipal flag pole whenever the flag of the United States is flown and at each reserve and National Guard facility. It also proposed to designate the third Friday in September as Prisoner of War - Missing in Action Recognition Day.

**Committee Amendment "A" (H-369)** proposed to delete a requirement in the bill that the Prisoner Of War - Missing In Action flag be flown on all municipal flag poles and at Armed Forces reserve facilities. It also added language that makes the display of the Prisoner Of War - Missing In Action flag at municipal offices optional. This amendment added a fiscal note to the bill.

**Senate Amendment "A" (S-231)** proposed, on behalf of the Committee on Bills in the Second Reading, to avoid a conflict with Public Law 1999, chapter 19, which enacted a substantively different provision using an identical statute section number.

*Enacted law summary*

Public Law 1999, chapter 302 requires the Prisoner Of War - Missing In Action flag to be flown above the State House and at Armed Forces reserve facilities. The display of the Prisoner Of War - Missing In Action flag is optional at municipal offices under this law.

**LD 1856**                      **An Act Concerning the Distribution of Beer and Wine**                      **ONTP**

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

LD 1856 proposed to require that all beer and wine brands or labels distributed by a licensed beer and wine wholesaler to be made available to all retail licensees within that distributor's delivery area. If the brand or label is available to the wholesaler on allocation, then all retail licensees would have been able to purchase the product on a percentage basis under this bill.

**LD 1869**                      **An Act to Establish the Emergency Management Preparedness and Assistance Trust Fund**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT DOUGLASS	ONTP	