

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

August 2001

Staff:

*Danielle D. Fox, Legislative Analyst
Colleen McCarthy Reid, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

Members:

*Sen. Neria R. Douglass, Chair
Sen. Chandler E. Woodcock
Sen. Lynn Bromley*

*Rep. John L. Tuttle, Jr., Chair
Rep. Nancy L. Chizmar
Rep. Lillian LaFontaine O'Brien
Rep. Stephen C. Estes
Rep. William R. Cote
Rep. John L. Patrick
Rep. Janice E. Labrecque
Rep. Arthur F. Mayo, III
Rep. Theodore H. Heidrich
Rep. Richard H. Duncan*



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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 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 21, 2001**.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Legal and Veterans' Affairs

LD 59 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Increase the Number of Signatures Required on Direct
Initiative Petitions** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO NUTTING J	ONTP	

LD 59 proposed to amend the Constitution of Maine to require that the number of signatures required on a petition to directly initiate legislation be not less than 15% of the total vote for Governor cast in the last preceding gubernatorial election. The percentage currently required is 10%.

LD 88 **Resolve, Authorizing Zelma Rudge to Sue the State** **ONTP**

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

LD 88 proposed to authorize Zelma Rudge, as personal representative of the estate of Victor Lizzotte, to bring a civil action against the State for damages resulting from the alleged negligence of the Department of Human Services concerning the death of Victor Lizzotte. The resolve would have allowed the State to be sued up to a maximum of \$250,000 or to the applicable insurance policy limits.

LD 108 **An Act to Expand the Number of Authorized High-stakes Beano
and High-stakes Bingo Games** **PUBLIC 295**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORING CATHCART	OTP-AM	H-439

LD 108 proposed to provide that a federally recognized Indian tribe that operates high-stakes beano or high-stakes bingo is operating in the tribe's governmental capacity. When operating in a governmental capacity, the tribe is not subject to taxation. The bill also proposed to allow high-stakes beano and high-stakes bingo games to be operated on New Year's Eve and New Year's Day.

Committee Amendment "A" (H-439) struck the section of the bill that states that the operation of high-stakes beano and high-stakes bingo is within a federally recognized Indian tribe's governmental capacity. It retained the provision that permits games to be conducted on New Year's Eve and New Year's Day.

Enacted law summary

Joint Standing Committee on Legal and Veterans' Affairs

Public Law 2001, chapter 295 permits federally recognized Indian tribes licensed to conduct high-stakes beano and high-stakes bingo to operate those games on New Year's Eve and New Year's Day.

LD 123 **RESOLUTION, Proposing an Amendment to the Constitution of** **DIED IN**
Maine to Require Signatures From All Counties on Direct Initiative **CONCURRENCE**
Petitions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	ONTP MAJ	
NUTTING J	OTP-AM MIN	

LD 123 proposed amending the Constitution of Maine to require that at least 5% of the number of signatures required on a petition to directly initiate legislation be collected in each of the 16 counties.

Committee Amendment "A" (H-169), which was not adopted, proposed to replace the original resolution by amending the statutes governing the circulation of petitions that directly initiate legislation. This amendment proposed to require that petitions circulated to directly initiate legislation include signatures from 10 of the State's 16 counties. As proposed, the number of petition signatures collected in those counties must equal 5% of the vote for Governor cast in that county in the last gubernatorial election preceding the filing of that petition.

LD 133 **An Act to Allow Beverage Sales from Mobile Service Vehicles on** **DIED BETWEEN**
Golf Courses **BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	ONTP MAJ	
TUTTLE	OTP-AM MIN	

LD 133 proposed to permit the Bureau of Liquor Enforcement to license golf courses to serve liquor on the course from a mobile service bar.

Committee Amendment "A" (S-80), which was not adopted, proposed to add several new provisions to the original bill pertaining to a golf course mobile service bar license. The amendment proposed to establish the annual license fee for a mobile service bar at \$100 and proposed to limit sales from a mobile service bar to just malt liquor. It also would have required that a licensee ensure that malt liquor would be served to only those engaged in a round of golf, that the cart would not be operated during a tournament including persons under 21 years of age, under this amendment patrons would not be permitted to transport open containers of malt liquor across a public way. It also specified that the operator of a mobile service bar must successfully complete an alcohol server education course approved by the Bureau of Liquor Enforcement within the Department of Public Safety. The amendment also would have required that the bureau revoke a license for a mobile service bar for violation of the liquor laws or any rule adopted by the bureau. The amendment proposed to remove the emergency provision in the original bill and would have added a sunset to repeal the section that provides for the mobile service bar license on January 1, 2004.