

MAINE STATE LEGISLATURE

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*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*

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**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 254 **Resolve, Authorizing Charles O'Conner to Sue the State** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM DAVIS P	ONTP	

LD 254 proposed to allow Charles O'Conner to sue the State for the purpose of recovering his liquor license. If the plaintiff, Charles O'Conner, prevailed in the suit, the resolve would have required the Bureau of Liquor Enforcement to renew O'Conner's liquor license.

LD 255 **An Act to Require the State Harness Racing Commission to Appoint Judges for Harness Races** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRABTREE KILKELLY	ONTP MAJ OTP-AM MIN	

LD 255 proposed to provide for the Maine Harness Racing Commission to appoint the judges and associate judges to preside at licensed racing meets. Once appointed by the commission, the judge would be an employee of the person licensed to conduct the racing meets.

Committee Amendment "A" (H-506), which was not adopted, proposed to continue to allow persons licensed to conduct commercial and extended meets to hire their own judges from lists of judges who have been duly licensed by the Maine Harness Racing Commission. For all other racing meets, the amendment would have required that the commission appoint judges and associate judges licensed by the commission.

LD 257 **An Act to Discourage Underage Consumption of Alcohol by a Minor** **PUBLIC 160**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LABRECQUE SAVAGE C	OTP-AM	H-167

LD 257 proposed to amend the laws prohibiting the consumption of alcohol by a minor by increasing the forfeiture for violation from not less than \$100 nor more than \$300 to not less than \$200 nor more than \$400 for the first offense; not less than \$200 nor more than \$500 to not less than \$300 nor more than \$600 for the 2nd offense; and from \$500 to \$600 for a 3rd or subsequent offense. The bill also proposed to give the court the authority to suspend a license if a minor violates Title 28-A, section 2051, subsection 1, paragraph D that prohibits use of any evidence of age that is false, fraudulent or not the minor's own.

Joint Standing Committee on Legal and Veterans' Affairs

Committee Amendment "A" (H-167) amended the original bill by mandating, for a 2nd or subsequent offense, the suspension of a minor's driver's license who is guilty of presenting or offering fraudulent identification to obtain liquor or to enter a licensed premises where minors are not allowed. The amendment maintained the provision in the original bill that grants the court discretion to suspend a driver's license for an initial offense.

Enacted law summary

Public Law 2001, chapter 160 increases the penalty for a minor who uses or attempts to use a fraudulent or false identification for the purposes of obtaining liquor. For the first offense the penalty is increased from \$100 to \$200. For the second offense the penalty is increased from \$200 to \$300. For the third and any subsequent offense the penalty is increased from \$500 to \$600. This law also provides that a judge may suspend the driver's license of a minor for a first offense for 30 days. For a second offense the judge is required to suspend a minor's driver's license for 90 days and for 1 year for any subsequent offense.

LD 268

An Act Regarding Veterans

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> TUTTLE DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-583
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LD 268 proposed to reduce from 15 to 5 the years of creditable service a state employee who is a member of the Maine State Retirement System must have before the employee is eligible to purchase service credits for service in the Armed Forces of the United States. It also proposed to remove the requirement that members joining after January 1, 1976 must have served in a federally recognized period of conflict to be eligible to purchase military service credits. It proposed to expand eligibility for the veterans' property tax exemption and removes from statute eligibility requirements related to federally recognized periods of war. It also proposed that all honorably discharged veterans who are 62 years of age or older be eligible for the veterans' property tax exemption authorized by this bill. The bill would have required the Department of Administrative and Financial Services, Maine Revenue Services to notify each municipality of this expanded eligibility at least 60 days prior to the beginning of the first property tax year to which this expanded eligibility applies. It also proposed to designate as public assistance aid provided to veterans and their dependents pursuant to the Maine Revised Statutes, Title 37-B and requires that the Department of Defense, Veterans and Emergency Management retain administrative responsibility for this aid. It would have restored funding for support staff positions in the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services regional field offices that were eliminated in the budget cuts of 1990. It also proposed to provide funding to purchase new computers and software for the regional offices that will, among other things, link them with the bureau's Togus claims office. The bill would have also restored funding to provide aid to veterans and their dependents.

Committee Amendment "A" (H-583) proposed to increase the property tax exemption for honorably discharged veterans from \$5,000 to \$6,000. It proposed to require that the exemption be granted only to veterans who received an honorable discharge, but would have grandfathered those veterans who otherwise qualify for an exemption prior to April 1, 2002. The amendment also proposed to make other minor technical corrections and add an appropriation section and a fiscal note to the bill.

The bill was enacted in the House but died in the Senate on the Appropriations Table upon adjournment.