

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

May 2002

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120th Legislature
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Summary Of Legislation Before The Joint Standing Committees
May 2002

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 arranged alphabetically by committee name 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
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
PASSED..... Joint Order passed in both bodies
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 July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Legal and Veterans' Affairs

House Amendment "A" to Committee Amendment "A" (H-854) proposed to repeal term limits for Legislators, subject to approval by the voters at referendum.

LD 1532 **An Act to Amend the Governmental Ethics Laws Administered by the Commission on Governmental Ethics and Election Practices** **ONTP**

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

LD 1532, which was carried over from the first regular session, was an omnibus bill that proposed to amend several sections of the law pertaining to governmental ethics. It proposed to define several terms such as, "anything of value", "associated" and "reportable liability." This bill would have made changes to the laws governing standards of conduct, conflict of interest and the process for filing and processing ethics complaints. LD 1532 also proposed changes to the laws governing financial disclosure required of legislators. Finally, the bill proposed to increase the penalties for filing a false disclosure statement or for willfully failing to file on time.

LD 1752 **An Act to Update the Department of Defense, Veterans and Emergency Management Laws** **PUBLIC 662**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE DOUGLASS	OTP-AM	H-837 H-946 TUTTLE S-557 DOUGLASS

LD 1752, which was carried over from the first regular session, proposed to make technical language changes throughout the Department of Defense, Veterans and Emergency Management's legislation, modify the Maine Code of Military Justice, authorize the sale of 2 armories in accordance with established procedures, fortify reemployment rights of service members, redesignate veteran service officers to veteran advocates and modify the mechanism by which the Governor declares a state of emergency.

Committee Amendment "A" (H-837) proposed to specify that the sale of the Caribou Armory must be at market value. Current law states that a veteran is eligible for burial in the veterans' cemetery if he or she was a resident of the State at the time of entering military service or at the time of death. This requirement would be repealed by this amendment. The amendment also proposed to authorize the Governor to enter into an agreement with the Federal Emergency Management Agency for debris removal financial assistance. Under this agreement the Governor would be authorized to indemnify the Federal Government against any claim arising from such removal as required by federal law. The amendment also proposed to make several technical changes to the bill and add a fiscal note to the bill.

House Amendment "A" (H-880), which was not adopted, proposed to correct a cross-reference.

House Amendment "B" (H-899) proposed to amend the bill in the following ways:

1. It would correct a cross-reference;

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2. It would require proceeds from the sale of condemned property to be credited to the Department of Defense, Veterans and Emergency Management instead of to the Capital Repair Account of the Military Bureau; and
3. It would reenact the River Flow Advisory Commission that was inadvertently repealed by Public Law 2001, chapter 460, a law whose purpose was to "consolidate...existing dam safety laws within the Department of Defense, Veterans and Emergency Management and move...the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management.

House Amendment "C" (H-946) proposed to amend the bill in the following ways:

1. It would correct a cross-reference; and
2. It would reenact the River Flow Advisory Commission that was inadvertently repealed by Public Law 2001, chapter 460, a law whose purpose was to "consolidate...existing dam safety laws within the Department of Defense, Veterans and Emergency Management and move...the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management."

Senate Amendment "A" (S-526), which was not adopted, proposed to authorize state-supported postsecondary vocational schools and institutions to reduce the tuition waiver by the amount necessary to ensure that the value of the waiver, combined with other grants and benefits, does not exceed the total cost of the tuition.

Senate Amendment "B" (S-557) proposed to authorize state-supported postsecondary vocational schools and institutions to reduce the tuition waiver by the amount necessary to ensure that the value of the waiver, combined with other grants and benefits, does not exceed the total cost of the education.

Enacted law summary

Public Law 2001, chapter 662 makes technical language changes throughout the Department of Defense, Veterans and Emergency Management's laws, modifies the Maine Code of Military Justice, authorizes the sale of 2 armories in accordance with established procedures, fortifies reemployment rights of service members, redesignates veteran service officers to veteran advocates and modifies the mechanism by which the Governor declares a state of emergency. Chapter 662 specifies that the sale of the Caribou Armory must be at market value. Current law states that a veteran is eligible for burial in the veterans' cemetery if he or she was a resident of the State at the time of entering military service or at the time of death. This requirement is repealed by this law. It authorizes the Governor to enter into an agreement with the Federal Emergency Management Agency for debris removal financial assistance. Under this agreement the Governor is authorized to indemnify the Federal Government against any claim arising from such removal as required by federal law. Chapter 662 reenacts the River Flow Advisory Commission that was inadvertently repealed by Public Law 2001, chapter 460, a law whose purpose was to "consolidate existing dam safety laws within the Department of Defense, Veterans and Emergency Management and move the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management." Finally, this law authorizes state-supported postsecondary vocational schools and institutions to reduce the tuition waiver by the amount necessary to

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ensure that the value of the waiver, combined with other grants and benefits, does not exceed the total cost of the education.

LD 1883 **An Act to Clarify the On-premise Liquor License Application Process** **PUBLIC 500**

<u>Sponsor(s)</u> DAVIS P LABRECQUE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1883 proposed to clarify that municipal officers or county commissioners have 60 days to take final action on a new application for an on-premise liquor license. Under this bill, renewal license applications would have to be approved within 120 days.

Enacted law summary

Public Law 2001, chapter 500 clarifies that municipal officers or county commissioners have 60 days to take final action on a new application for an on-premise liquor license. Renewal license applications must be approved within 120 days.

LD 1886 **Resolve, Directing the Director of the Bureau of Liquor Enforcement to Study the Equity of Fees for Establishments Licensed to Sell Liquor for On-premises Consumption** **RESOLVE 82**

<u>Sponsor(s)</u> BENNETT TUTTLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-453
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LD 1886 proposed to reduce the fee for a Class II license under the retail liquor sales law to \$220 per year.

Committee Amendment "A" (S-453) proposed to replace the bill and direct the Director of the Bureau of Liquor Enforcement within the Department of Public Safety to study the equity of fees for establishments licensed to sell spirits, wine and malt liquor for on-premises consumption. The report would be submitted to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters by December 31, 2003. This amendment would also add a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 82 directs the Director of the Bureau of Liquor Enforcement within the Department of Public Safety to study the equity of fees for establishments licensed to sell spirits, wine and malt liquor for on-premises consumption. The report is to be submitted to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters by December 31, 2003.