

# 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
Second Regular Session

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 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.

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

**Senate Amendment "A" to Committee Amendment "A" (S-512)** this amendment proposed to make tokens an optional means for controlling revenue in games of chance and would authorize the Chief of the State Police to adjust record-keeping and reporting requirements for licensees who choose to use tokens. The amendment also contains some technical redrafting of existing law and provides definitions for 4 previously undefined terms: "agricultural society," "gross revenue," "net revenue" and "tokens." Public Law 2001, chapter 672 makes the use of tokens an optional method for controlling revenue in games of chance conducted at agricultural fairs. It authorizes the Chief of the State Police to adjust record-keeping and reporting requirements for licensees who choose to use tokens.

***Enacted law summary***

Public Law 2001, chapter 672 makes the use of tokens an optional method for controlling revenue in games of chance conducted at agricultural fairs. It authorizes the Chief of the State Police to adjust record-keeping and reporting requirements for licensees who choose to use tokens.

Public Law 2001, chapter 672 was enacted as an emergency measure effective April 11, 2002.

**LD 2063**                      **An Act to Require Timely Consideration of Appeals of Decisions of the Registrar of Voters**                      **ONTP**

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

LD 2063 proposed to require the registration appeals board in a town or city of 5,000 or more residents to convene on election day prior to the closing of the polls to consider any appeals that have arisen from decisions of the registrar of voters. The board would be required to meet in time to allow an aggrieved person to vote if the decision of the registrar is modified or reversed.

**LD 2123**                      **An Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores**                      **PUBLIC 711**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    A	H-1122 – Committee of Conference
	ONTP        B	
	OTP-AM    C	

LD 2123 proposed to implement the recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores. This bill proposed to require the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to continue to operate 19 state liquor stores. It proposed to repeal the 3.5 mile radius requirement when a state liquor store is replaced with an agency store. It would require an agent permitted to resell spirits and fortified wine purchased from the State Liquor Commission to a retail licensee licensed for on premise consumption to obtain a state reselling agent license for an annual fee of \$50. The bill also proposed to specify that all spirits sold by

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agents shall be sold at the list price established by the State Liquor Commission. Finally, LD 2123 proposed to require the Bureau of Alcoholic Beverages and Lottery Operations to report annually to the Joint Standing Committee of the Legislature having jurisdiction over alcoholic beverages matters.

**Committee Amendment "A"**, which was not adopted, proposed to provide that an agency liquor store licensed after April 1, 2002 in a municipality with a population of 20,000 or more may not be licensed if the location is within 3.5 miles of an existing agency liquor store. The original bill would have repealed the 3.5 mile radius requirement for the location of an agency liquor store in any municipality. The amendment also proposed that if a licensee dies, the licensee's surviving spouse or designated heir shall be issued the license if the spouse or heir requests it and meets all of the necessary requirements for an agency license at that location. The amendment also proposed to clarify the number of agents that the law currently provides may be licensed per municipality. This amendment proposed that, in the event that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is required to close additional state liquor stores in the future, the department would be required to get the approval of the Joint Standing Committee of the Legislature having jurisdiction over alcoholic beverages matters for the state liquor stores selected for closure.

**Committee Amendment "B"**, which was not adopted, proposed to clarify the number of agents that the law currently provides may be licensed per municipality. The amendment also proposed that if a licensee dies, the licensee's surviving spouse or designated heir shall be issued the license if the spouse or heir requests it and meets all of the necessary requirements for an agency license at that location. It also proposed that, in the event that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is required to close additional state liquor stores in the future, the departments would be required to get the approval of the Joint Standing Committee of the Legislature having jurisdiction over alcoholic beverages matters for the state liquor stores selected for closure.

**Conference Committee "A"** proposed to maintain current law that directs the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to close six state liquor stores between June 1, 2002 and December 31, 2002. It proposed to repeal the requirement that when the Bureau of Liquor Enforcement licenses a private agency liquor store it must be at least 3.5 miles away from an existing agency liquor store. It would require an agent permitted to resell spirits and fortified wine purchased from the State Liquor Commission to a retail licensee for on-premise consumption to obtain a state reselling agent license for an annual fee of \$50. Under this amendment, all spirits and fortified wine purchased from the State Liquor Commission would be sold at the retail price established by the commission. Finally, this amendment proposed to provide that an agency liquor licensee may be transferred to the spouse or heir of a deceased licensee as long as the spouse or heir meets all of the criteria applied to a traditional license applicant.

### *Enacted law summary*

Public Law 2001 chapter 711 maintains current law that directs the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to close six state liquor stores between June 1, 2002 and December 31, 2002. It repeals the requirement that when the Bureau of Liquor Enforcement licenses a private agency liquor store it must be at least 3.5 miles away from an existing agency liquor store. It requires an agent permitted to resell spirits and fortified wine purchased from the State Liquor Commission to a retail licensee licensed for on-premise consumption to obtain a state reselling agent license for an annual fee of \$50. Under this law, all spirits and fortified wine purchased from the State Liquor Commission will be sold at the retail price established by the commission. Finally, this law

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provides that an agency liquor license may be transferred to the spouse or heir of a deceased licensee as long as the spouse or heir meets all of the criteria applied to a traditional license applicant.

**LD 2165**                      **Resolve, to Allow Julie Harrington to Sue the State**                      **FINAL PASSAGE  
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL YOUNGBLOOD	OTP-AM	H-1045 S-613 DOUGLASS

LD 2165 is a resolve authorizing Julie Harrington to bring a civil action against the State for damages resulting from the alleged use by the State of computer software created by Julie Harrington in violation of her alleged copyrights in that software.

**Committee Amendment "A" (H-1045)** replaced the resolve. It proposed to authorize Julie Harrington to bring a civil action against the State for damages resulting from the alleged use by the State of a computer software program in violation of her alleged copyrights in that software. The amendment also proposed to waive any defense of immunity the State may have pursuant to the Eleventh Amendment of the United States Constitution. The amendment would have limited any recovery to \$400,000. The amendment also added a fiscal note to the resolve.

**Senate Amendment "B" to Committee Amendment "A" (S-613)** proposed to authorize the transfer by the Commissioner of Administrative and Financial Services of up to \$30,000 from the self-insurance fund to the Department of Corrections to offset the costs of outside counsel fees.

**Senate Amendment "A" to Committee Amendment "A" (S-612)** proposed to require the Department of Corrections to defend the lawsuit brought by Julie Harrington within the Department's existing resources. Senate Amendment "A" to Committee Amendment "A" was not adopted.

**LD 2169**                      **An Act to Ensure Proper Disbursement of Matching Funds under  
the Maine Clean Election Act**                      **PUBLIC 589**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM    MAJ ONTP        MIN	H-971

LD 2169 proposed to require that traditionally funded candidates who have received or spent 101% of the amount disbursed to their opponents who are financed by the Maine Clean Elections Act file a report within 48 hours of making significant single expenditures. This reporting requirement would begin on the 28<sup>th</sup> day prior to an election.

**Committee Amendment "A" (H-971)** proposed to amend the accelerated reporting schedule for traditionally funded candidates who have received or spent 101% of the amount disbursed to their opponents who are financed by the Maine Clean Election Act. As proposed, the 42nd day report would reflect activity through the 44th day prior to election day, the 21st day report would reflect activity through