

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

July 2003

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

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

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Legal and Veterans' Affairs

LD 381

An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games

PUBLIC 192

<u>Sponsor(s)</u> HOTHAM	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-227
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LD 381 proposed to clarify the requirements for how a consumer acquires information about a sweepstakes, game or contest offered by a certificate of approval holder, wholesale licensee or retail licensee of alcoholic beverages. The information would be required to be provided by a sign at the retail outlet or by a notice on the primary or secondary packaging of the brand offering the promotion.

Committee Amendment "A" (H-227) proposed to require a certificate of approval holder, wholesale licensee or retail licensee to provide information about how to participate in a sweepstakes, game or contest without purchase.

Enacted Law Summary

Public Law 2003, chapter 192 clarifies the requirements for how a consumer acquires information about a sweepstakes, game or contest offered by a certificate of approval holder, wholesale licensee or retail licensee of alcoholic beverages. It states that the information must be provided by a sign at the retail outlet or a notice on the primary or secondary packaging of the brand offering the promotion.

LD 426

An Act To Preserve the Integrity of the Voting Process

PUBLIC 395

<u>Sponsor(s)</u> THOMAS CATHCART	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-403 H-478 MILLS P
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LD 426 proposed to require anyone wishing to monitor the names and addresses of persons who are registering at the polling place to inform the registrar or election clerk of the proposed monitor's name, address and intent in the form of a signed statement. The bill proposed new language regarding challenging someone's right to vote by requiring that the challenge be made in the form of an affidavit under oath. That form would include, in addition to other items required under current law, the challenger's name, address and party affiliation, the challenger's status as a registered voter in that municipality, the name of the voter being challenged, the reason for the challenge and the source of the information on which the challenge is based. The bill proposed that a challenge may not be made on unsupported allegations or on allegations by anonymous third parties. This bill also proposed to make it a Class E crime to challenge a qualified and registered voter for the purpose of delaying the voter.

Committee Amendment "A" (H-403) proposed to outline procedures for individuals wanting to monitor polling places. It also proposed to require a person challenging another person's right to vote to file an affidavit listing the reason for the challenge and the source of the reason. Finally, it proposed to outline duties and abilities of wardens to regulate the challenge procedure.

House Amendment "A" to Committee Amendment "A" (H-478) proposed to require the warden to include in the sealed envelope with the challenge certificate the signed affidavit of the person who is challenging the right of another person to vote.

Enacted Law Summary

Joint Standing Committee on Legal and Veterans' Affairs

Public Law 2003, chapter 395 amends current law regarding individuals wanting to monitor polling places and challenging a person's right to vote. Anyone who wishes to monitor the names and addresses of persons registering at the polling place is required to inform the registrar or clerk of that intent in writing. The law requires a person challenging another person's right to vote to file an affidavit listing the reason for the challenge and the source of the information on which that challenge is based. It also outlines the duties and authority of wardens to regulate the challenge procedure. Under this law, the warden is required to include the signed affidavit of the person challenging a voter in the sealed envelope with the challenge certificate.

LD 433

An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees

PUBLIC 349

Sponsor(s)
MAYO
CLARK

Committee Report
OTP-AM

Amendments Adopted
S-188

LD 433 proposed to permit wholesale liquor licensees to sell liquor to retail licensees with a debit card and would consider the use of a debit card the same as a cash transaction. Current law requires cash for such transactions.

Committee Amendment "A" (S-188) proposed to replace the bill. It would amend the law that requires the sale of liquor between manufacturers, wholesale licensees and retail licensees to be made in cash. This amendment proposed to permit the use of electronic funds transfers to conduct those transactions.

Enacted Law Summary

Public Law 2003, chapter 349 amends the law that requires the sale of liquor between manufacturers, wholesale licensees and retail licensees to be made in cash. This law permits the use of electronic funds transfers to conduct those transactions.