

# 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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**Members:**

*Sen. Kenneth T. Gagnon, Chair  
Sen. Kenneth F. Lemont  
Sen. Arthur F. Mayo III*

*Rep. Joseph E. Clark, Chair  
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Rep. Patricia A. Blanchette  
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Rep. Kevin J. Glenn  
Rep. Richard B. Brown  
Rep. Randy E. Hotham*

# 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](http://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 2<sup>nd</sup> 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 &amp; 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&amp;S XXX</i> .....                              | <i>Chapter # of enacted Private &amp; 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 1272

**An Act To Specify the Political Party of Contributors of Qualifying Contributions and To Require a Candidate Funded under the Maine Clean Election Act To Receive a Certain Level of Support in Order To Receive Public Funding in the Future**

ONTP

|                              |  |                                 |  |                           |
|------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u><br>PERRY J |  | <u>Committee Report</u><br>ONTP |  | <u>Amendments Adopted</u> |
|------------------------------|--|---------------------------------|--|---------------------------|

LD 1272 proposed to require that qualifying contributions for certification as a Maine Clean Election Act candidate be provided by registered voters who are enrolled as members of the candidate's political party. The bill also proposed to establish minimum numbers of qualifying contributions necessary for candidates who are not enrolled in a qualified political party. This bill further proposed to prohibit a person from receiving Maine Clean Election Act revenue if the person received such revenue when a candidate for the same office in a prior election and the person failed to receive at least 15% of the total votes cast for that office in the prior election.

**LD 1273**

**An Act To Extend Term Limits**

**DIED BETWEEN BODIES**

|  |  |   |  |                           |
|--|--|---|--|---------------------------|
| <u>Sponsor(s)</u><br>PINGREE<br>GAGNON |  | <u>Committee Report</u><br>OTP-AM MAJ<br>ONTP MIN |  | <u>Amendments Adopted</u> |
|--|--|---|--|---------------------------|

LD 1273 proposed to extend the number of years of service authorized under the term limits law from 8 to 12 for Legislators, the Secretary of State, the Treasurer of State and the Attorney General and from 8 to 12 for the State Auditor. The bill also proposed to require that the voters of the State vote on this matter at the statewide election to be held in the year 2003.

**Committee Amendment "A" (H-442)** proposed to change the referendum question posed by the bill and would have applied to terms that began after December 1, 2002. This amendment was not adopted.

**House Amendment "A" (H-509)** proposed to limit the extension of term limits to those officials or officers who are not currently serving in that same position. Under the proposed amendment, a person who was elected to an office prior to December 1, 2004 would still be subject to a limit of 4 consecutive terms, or 2 consecutive terms for the State Auditor. This amendment also proposed to change the referendum question to reflect this limitation. This amendment was not adopted.

**House Amendment "A" to Committee Amendment "A" (H-510)** proposed to limit the extension of term limits to those elected officials or constitutional officers who are not currently serving in that same position. Under the proposed amendment, a person who was elected to an office prior to December 1, 2004 would still be subject to a limit of 4 consecutive terms, or 2 consecutive terms for the State Auditor. This amendment also proposed to change the referendum question to reflect this limitation. This amendment was not adopted.

**House Amendment "B" (H-544)** proposed to change the timing of the referendum to the general election held in November 2004. This amendment also proposed to clarify that the extension of term limits applies to those elected to office beginning with the 122nd Legislature. This amendment was not adopted.

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**House Amendment "C" (H-597)** Under this proposed amendment, the term limits in current law would not change for the Secretary of State, Treasurer of State, Attorney General and State Auditor elected or reelected to office beginning with the 122nd Legislature. This amendment was not adopted.

**Senate Amendment "A" (S-305)** proposed to clarify the referendum question and specify that the extension of term limits would apply only to Legislators. Under this proposed amendment, the term limits in current law would not change for the Secretary of State, Treasurer of State, Attorney General and State Auditor elected or reelected to office beginning with the 122nd Legislature. This amendment was not adopted.

**Senate Amendment "A" to Senate Amendment "A" (S-308)** proposed to clarify the referendum question and specify that the extension of term limits would apply only to Legislators, beginning with those Legislators first elected or reelected to nonconsecutive terms of office beginning with the 122nd Legislature. This amendment was not adopted.

**Senate Amendment "B" (S-314)** proposed to clarify that the extension of term limits proposed in the bill, as amended, does not apply to those Legislators who were elected to their offices in the 118th Legislature and who are still serving in those offices. The effect of this amendment would have been to continue the ineligibility of any Legislator who would be unable to run for that same office in 2004 under the current law. This amendment also proposed to change the referendum question to reflect this limitation. This amendment was not adopted.

**Senate Amendment "A" to Senate Amendment "B" (S-316)** proposed to clarify the referendum question and specify that the extension of term limits would apply only to Legislators. Under this proposed amendment, the term limits in current law would not change for the Secretary of State, Treasurer of State, Attorney General and State Auditor elected or reelected to office beginning with the 122nd Legislature. This amendment was not adopted.

**LD 1274**                      **An Act To Promote Maine's Brewing Industry**                      **ONTP**

|  |                                 |                           |
|--|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>DUDLEY<br>STRIMLING | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|--|---------------------------------|---------------------------|

LD 1274 proposed to allow an off-premises retail licensee that stocks 75% of the available inventory of Maine-brewed malt liquor to conduct beer tastings. Current law allows certain off-premises retail licensees to conduct wine tastings.

**LD 1281**                      **An Act to Allow Shipment of Wine By Mail**                      **ONTP**

|   |                                 |                           |
|---|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>BENNETT R<br>CLARK | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|---|---------------------------------|---------------------------|

LD 1281 proposed to allow an in-state or out-of-state alcoholic beverage producer supplier, importer, wholesaler distributor, retailer or farm winery to ship via mail up to 24 1.5 liter bottles of wine per month directly to a person who is 21 years of age or older for that person's personal use.