

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

May 2004

Staff:

*Danielle D. Fox, Legislative Analyst
Lucia Nixon, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

Members:

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

*Rep. Joseph E. Clark, Chair
Rep. John L. Patrick
Rep. Patricia A. Blanchette
Rep. Marilyn E. Canavan
Rep. Rodney C. Jennings
Rep. Roger A. Landry
Rep. Gary W. Moore
Rep. Kevin J. Glynn
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
Second Regular Session and
Second Special 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/billsumm.htm).

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
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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

Joint Standing Committee on Legal and Veterans' Affairs

Video Gaming Fund for administrative expenses not to exceed 10%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the municipalities that host the organizations that operate video lottery terminals. Host municipalities receive their share in proportion to the amount of revenue that is generated by video gaming terminals in their municipality.

Licenses would be issued for one year. The amendment proposed to reduce the fees proposed by the bill. The license fee for wholesalers, manufacturers and operators would be \$3,500. Applicants for an initial license would pay the actual costs of processing the application and performing the background investigation.

The amendment also proposed to specify that any rules put forth by the Bureau of Alcoholic Beverages and Lottery Operations and the Chief of the State Police to administer and enforce the laws related to video gaming by nonprofits would be major substantive rules.

The amendment also proposed to add an appropriations and allocations section.

House Amendment "A" to Committee Amendment "B" (H-830) which was not adopted, proposed to make 2 technical changes to ensure that the committee amendment would be internally consistent.

The first change would remove a reference to a phase-in period that was removed by Committee Amendment "B" and the 2nd change would clarify record-keeping concerning illegal machines and monetary control.

House Amendment "B" to Committee Amendment "B" (H-922) which was not adopted, proposed to require approval by the voters of a municipality or, in the case of an unincorporated place, approval by the voters of a county for the operation of video gaming terminals.

LD 1361

An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State

INDEF PP

Sponsor(s)
GAGNON
CLARK

Committee Report
RECEIVED BY
SECRETARY PUR
TO JT. RULE
309

Amendments Adopted

LD 1361 proposed to allow limited numbers of video lottery terminals to be placed at licensed commercial racetracks and licensed off-track wagering facilities in the State. Terminal revenues would support the State's General Fund, harness racing purses, the Agricultural Fair Support Fund, the local municipalities where the terminals would be located, the licensee and the prevention and treatment of problem gambling. Broad enforcement and rule-making authority would be assigned to the Maine State Lottery Commission and the Maine State Police.

Committee Amendment "A" (S-256) which was not adopted, proposed to change the bill by striking a commercial track as an entity eligible for a video lottery terminal license. If a commercial track operates an off-track betting facility, that facility would be eligible to be licensed to operate video lottery terminals. Under the amendment, commercial tracks would have first right of refusal for any new off-track betting facility license. Off-track betting facilities would still be eligible for video lottery terminal licenses under this amendment. Under this

Joint Standing Committee on Legal and Veterans' Affairs

amendment, an off-track betting facility would be permitted to change its location within 10 miles of its current location with the consent of all off-track betting facilities and commercial tracks within 50 miles.

House Amendment "A" to Committee Amendment "A" (H-561) which was not adopted, proposed to prohibit video lottery terminal distributors, video lottery terminal manufacturers and video lottery terminal wholesalers from being licensed as operators. This amendment proposed to remove language that would have granted commercial tracks the right of first refusal for any new off-track betting facility license. The amendment proposed to require that a video lottery terminal be linked to the central computer system prior to the commercial operation of that video lottery terminal.

LD 1536 An Act To Authorize the State to Establish a Multijurisdictional Lottery or Lottery Games ONTP

Sponsor(s) GAGNON	Committee Report ONTP	Amendments Adopted
----------------------	--------------------------	--------------------

LD 1536 proposed to authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations, with the approval of the State Liquor and Lottery Commission, to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games with other jurisdictions.

Although LD 1536 was not enacted, the substance of this bill was included in budget bill LD 1919.

LD 1603 Resolve, Authorizing Michaela Corbin-Bumford To Sue the State ONTP

Sponsor(s)	Committee Report ONTP	Amendments Adopted
------------	--------------------------	--------------------

This resolve proposed to authorize Michaela Corbin-Bumford to sue the State for damages resulting from alleged wrongful removal from her home by the Department of Human Services. The maximum amount of any recovery in the lawsuit would be limited to \$400,000.

**LD 1613 Resolve, Authorizing Germaine Bell To Sue the State DIED ON
ADJOURNMENT**

Sponsor(s) GAGNON	Committee Report OTP-AM MAJ ONTP MIN	Amendments Adopted
----------------------	--	--------------------

LD 1613 proposed to authorize Germaine Bell to bring a civil action against the State for damages in connection with services she received from the Department of Human Services.