

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*July 2003*

**Members:**

*Sen. Peggy A. Pendleton, Chair*

*Sen. Mary R. Cathcart*

*Sen. Chandler E. Woodcock*

*Rep. William S. Norbert, Chair*

*Rep. Thomas D. Bull*

*Rep. Deborah L. Simpson*

*Rep. Stan Gerzofsky*

*Rep. Philip R. Bennett, Jr.*

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*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Brian M. Duprey*

*Rep. Joan Bryant-Deschenes*

*Rep. Donna M. Loring*

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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](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 Judiciary*

unless extended, and may not be amended or repealed without the consent of the Passamaquoddy Tribe and the Penobscot Nation. The gaming and wagering authorized by this initiated bill would be regulated by the Department of Public Safety and a tribal gaming agency formed jointly by the governments of the Passamaquoddy Tribe and the Penobscot Nation.

The tribal gaming operator would be required to pay to the State an annual fee equal to 25% of the gross revenues of video facsimiles operated by the tribal gaming operator. After an allowance for costs resulting from gaming and wagering operations, the annual fee paid to the State would be used for the following purposes:

1. Fifty percent would be deposited in the Local Government Fund established in the Maine Revised Statutes, Title 30-A, section 5681 and distributed in accordance with the provisions of that section for revenue sharing with municipalities, with the intent of providing local property tax relief;
2. Forty percent would be allocated for the program cost portion of general purpose aid to local schools;
3. Five percent would be allocated to the Maine State Grant Program established in Title 20-A, chapter 419-A for grants for students who are pursuing higher education; and
4. Five percent would be allocated to the Finance Authority of Maine to distribute to private, nonprofit organizations that have the principal purpose of providing scholarships to and otherwise enhancing the postsecondary educational opportunities of students in this State enrolled in eligible programs in institutions of higher education in this State.

**Committee Amendment "A" (H-535)** was offered as a competing measure to the Initiated Bill 1. It proposed to authorize the state gaming agency to develop selection criteria and select and license, through a competitive bid process, a licensed gaming operator to operate a casino in Maine. The selection would have to maximize the benefit of the casino to the people of this State. Part of the proposed selection criteria is the fee that the licensed gaming operator would pay from the gaming revenues. Other criteria would include selection of a site in an area in which there is higher than average unemployment, lower than average wages, a loss of population or workforce because of business closings and proximity to affordable housing. (Not adopted)

This initiated bill will appear as a referendum question on the November ballot.

**LD 1376**

**An Act Regarding Limited Liability Companies**

**ONTP**

<u>Sponsor(s)</u> CLARK STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1376 was a concept draft pursuant to Joint Rule 208.

LD 1376 proposed to limit the use of the limited liability company structure to a business entity that makes a profit of more than \$100,000 per year. It also proposed to limit the business entities that are exempt from payment of the real estate transfer tax.