

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

May 2004

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Sen. Kenneth F. Lemont
Sen. Arthur F. Mayo III*

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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

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
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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
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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
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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.

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Committee Amendment "A" (S-360) proposed to replace the resolve. The amendment proposed to clarify that the resolve authorizes a suit against the Department of Human Services and constitutes a waiver of the State's defense of sovereign immunity. The amendment would also clarify that the maximum amount of any recovery would be \$400,000, pursuant to the limits of the Maine Tort Claims Act. The amendment proposed to direct the Attorney General and the Department of Human Services to conduct settlement negotiations to resolve the dispute to the extent possible.

LD 1639

An Act To Make Polling Places More Convenient

PUBLIC 569

Sponsor(s)
PERCY

Committee Report
OTP-AM

Amendments Adopted

The purpose of this proposed bill was to provide a town with the option to conduct an election at the usual locations instead of at a single location when a town meeting is being conducted for the exclusive purpose of voting by secret ballot. A change was not proposed for secret ballot voting occurring in conjunction with a town meeting for other purposes. This procedure, as proposed, would be optional, so that no town would be required to assume additional cost.

Committee Amendment "A" (H-698) which was not adopted, proposed to add an emergency preamble and clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 569 provides a town with the option to conduct an election at the usual locations instead of at a single location when a town meeting is being conducted for the exclusive purpose of voting by secret ballot.

LD 1643

An Act To Promote Fairness for Small Businesses That Serve Alcoholic Beverages

ONTP

Sponsor(s)
BRUNO

Committee Report
ONTP

Amendments Adopted

LD 1643 proposed to allow a restaurant that has been licensed to sell spirits, wine or malt liquor for consumption on the premises of the restaurant to obtain a license to also sell wine and malt liquor to be consumed off the premises of the restaurant.