

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Legal and Veterans' Affairs*

*August 2005*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 278

**An Act To Allow Small Stores To Conduct Wine Taste Testings**

**PUBLIC 32**

<u>Sponsor(s)</u> LEWIN ANDREWS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-42
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LD 278 proposed that stores that sell wine from at least 50% of the world's wine regions and carry at least 250 different wine labels be allowed to conduct wine taste testings. This bill would amend the definition of "fine wine store" to allow a store that sells wine from at least 25% of the world's wine regions and carries at least 125 different wine labels to conduct such taste testings.

**Committee Amendment "A" (H-42)** proposed to replace the bill and amend the definition of "fine wine store" to remove the requirement that the store sell wines from at least 50% of the world's wine regions but retain the requirement to carry at least 250 different wine labels requirement currently in law. Additionally, this amendment would broaden that definition to include a store that carries 125 different wine labels, holds a wine license only and meets the compatible merchandise requirement under the Maine Revised Statutes, Title 28-A, section 1201.

*Enacted law summary*

Public Law 2005, chapter 32 amends the definition of "fine wine store" to remove the requirement that the store sell wines from at least 50% of the world's wine regions and it broadens the definition to include stores that carry 125 different wine labels, hold a wine license only and meet the compatible merchandise requirement under the Maine Revised Statutes, Title 28-A, section 1201.

**LD 290**

**An Act To Amend the Laws Governing Mobile Service Bars on  
Maine Golf Courses**

**PUBLIC 108  
EMERGENCY**

<u>Sponsor(s)</u> BROWNE MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-208
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LD 290 proposed to amend current law permitting the licensure of mobile service bars on golf courses. Current law requires that mobile service bar licensees automatically lose all of their liquor licenses in the event that any amount of malt liquor, other than that which is sold by the licensee, is possessed and consumed on the premises by members of the public. This bill would alter that standard to make it consistent with similar provisions governing other on-premises licensees. Specifically, it would provide that mobile service bar licensees may not possess nor permit possession, sale or consumption of unauthorized malt liquor on the premises, and that a licensee's failure to adhere to this standard would subject it to potential revocation and suspension of the liquor license or other forms of discipline to the same extent as other on-premises licensees. The bill would also remove the sunset provisions on the law allowing the sale of malt liquor on golf courses.

**Committee Amendment "A" (H-208)** proposed to add an emergency preamble and an emergency clause to the bill and clarify that a licensee who holds a mobile service bar license and any other license held by that person to sell liquor for on-premises consumption would be subject to potential revocation and suspension or other forms of discipline to the same extent as are other on-premises licensees.

## Joint Standing Committee on Legal and Veterans' Affairs

### *Enacted law summary*

Public Law 2005, chapter 108 amends current law permitting the licensure of mobile service bars on golf courses. Current law requires that mobile service bar licensees automatically lose all of their liquor licenses in the event that any amount of malt liquor, other than that which is sold by the licensee, is possessed and consumed on the premises by members of the public. Public Law 2005, chapter 108 alters that standard to make it consistent with similar provisions governing other on-premises licensees. Specifically, it provides that mobile service bar licensees may not possess or permit possession, sale or consumption of unauthorized malt liquor on the premises, and that a licensee's failure to adhere to this standard subjects it to potential revocation and suspension of the liquor license or other forms of discipline to the same extent as other on-premises licensees. Public Law 2005, chapter 108 also removes the sunset provisions in the law regarding the sale of malt liquor on golf courses.

Public Law 2005, chapter 108 was enacted as an emergency measure effective May 13, 2005.

### **LD 291                      An Act To Extend Term Limits                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BISHOP MAYO	ONTP	

LD 291 extends 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 requires that the voters of the State vote on this matter at the statewide election to be held in the year 2005.

### **LD 323                      An Act To Limit the Time a Campaign Sign May Be Displayed                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SCHNEIDER	ONTP	

LD 323 proposed to prohibit the display of campaign signs, posters or stickers more than 30 days prior to an election.

### **LD 329                      An Act Concerning Recognition of Qualified Political Parties                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDER	OTP-AM	H-161

LD 329 proposed to allow a recognized political party to maintain its qualified status by either receiving 5% of the ballots cast for Governor or President in either of the 2 preceding general elections or by maintaining an enrollment of members equal to 0.5% of all registered voters in the State.