

# 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*

Public Law 2005, chapter 271 prohibits a person who holds a position in a political party or campaign from serving on the Commission on Governmental Ethics and Election Practices and prohibits members of the commission from engaging in political fund-raising or endorsing a political candidate. It also prohibits members of the Commission on Governmental Ethics and Election Practices from participating in fund-raising for political campaigns, including ballot measures, except at the local level and out-of-state nonfederal elections.

**LD 765**                      **An Act Requiring That Contributions for a Clean Election Candidate Be from the Candidate's Political Party**                      **ONTP**

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

LD 765 proposed to require that the contributions required for Maine Clean Election Act candidates be from voters from the same political party as the candidate.

**LD 777**                      **An Act To Enhance Enforcement of Liquor Laws**                      **ONTP**

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

LD 777 proposed to allow the Commissioner of Public Safety to reach agreements with law enforcement agencies to authorize them to enforce administrative sanctions against liquor licensees and the licensees' agents and employees. It also proposed to allow the commissioner to authorize contract officers to perform the same function. The contract officers are exempt from the basic law enforcement training requirements.

The bill would also prohibit the sale or service of liquor or imitation liquor to a person less than 27 years of age unless the person presents reliable photographic identification containing the person's date of birth.

**LD 779**                      **An Act Allowing Certain Clean Election Campaign Reports To Be Filed by Telephone**                      **ONTP**

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

Current law requires a nonparticipating Maine Clean Election Act candidate who receives, spends or obligates more than 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate to file a report with the Commission on Governmental Ethics and Election Practices within 48 hours of exceeding the distribution amount. If that nonparticipating Maine Clean Election Act candidate for Governor, state Senate or state House of Representatives makes a single expenditure of at least \$1,000, \$750 or \$500 respectively, within 14 days of the election, the nonparticipating candidate is required to report that expenditure to the commission within 24 hours of the expenditure.

*Joint Standing Committee on Legal and Veterans' Affairs*

LD 779 proposed to allow the nonparticipating Maine Clean Election Act candidate who is required to file these 2 reports to do so by telephone.

**LD 792**                      **An Act To Allow Limited Partnerships between Brewers and Wholesalers**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HOBBS             | ONTP      MAJ           |                           |
| FISHER            | OTP-AM      MIN         |                           |

LD 792 proposed to allow brewers and wholesalers to form limited partnerships where the brewer would be the limited partner while the wholesaler would be the general partner. Consistent with the Maine Revised Uniform Limited Partnership Act, only the general partner would be involved in day-to-day management. The bill also proposed to provide a 10-year maximum term for any brewer and wholesaler limited partnership. Currently, because brewers are not permitted by law to have a financial interest in a wholesaler, brewers cannot provide financing to prospective wholesalers who may have the necessary business expertise but who lack sufficient capital with which to buy a malt liquor distributorship.

**Committee Amendment "A" (S-252)** was the committee's the minority report and proposed to require a certificate of approval holder to have a prior business relationship with the wholesale business being acquired by the wholesale licensee before entering into a partnership with that wholesaler. It also proposed to specifically prohibit the certificate of approval holder from participating in the daily operations of the partnership.

**LD 804**                      **An Act To Prohibit Clean Election Candidates from Using Clean Money for Personal Profit or Use**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CRESSEY           | ONTP                    |                           |
| BARTLETT          |                         |                           |

LD 804 proposed to prohibit a Maine Clean Election Act candidate or a family member of the candidate from using funds from the Maine Clean Election Fund for personal travel expenses and mileage or personal items.

**LD 822**                      **An Act Regarding Fundraising for Clean Election and Traditional Candidates in Leadership Races**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CUMMINGS          | ONTP                    |                           |

LD 822 proposed to allow a candidate for a legislative leadership position to raise up to \$10,000 in a calendar year for a leadership allowance to be used in the campaign for the leadership position. Contributions to a