

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.

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LD 1274 **An Act To Allow Indian Tribes To Operate Slot Machines** **ONTP**

<u>Sponsor(s)</u> SOCKALEXIS BRYANT B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1274 proposed to allow a federally recognized Indian tribe that holds a high-stakes beano license to operate up to 1,500 slot machines in the same facility in which the high-stakes beano is held.

LD 1281 **An Act To Ensure That Direct Initiatives Have Local Support** **ONTP**

<u>Sponsor(s)</u> CLOUGH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1281 proposed to allow a petition on an initiated ballot question to be submitted only once every 5 years and would clarify that only registered Maine voters may collect signatures for an initiated petition on a ballot question. The bill also proposed to prohibit political action committees from accepting out-of-state contributions for campaigns on initiated ballot questions.

LD 1289 **An Act Allowing Spirits Tasting Events** **PUBLIC 319**

<u>Sponsor(s)</u> TUTTLE PLOWMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-506
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LD 1289 proposed to allow distillers, licensed sales representatives, the State's wholesale liquor provider and certificate of approval holders to sponsor liquor tasting events.

Committee Amendment "A" (H-506) proposed to replace the bill and allow distillers, licensed distilled spirits sales representatives and the State's wholesale liquor provider to sponsor spirits taste-tasting events for the purpose of allowing retail licensees to sample spirits. The events could not be held unless written permission was obtained from the Department of Public Safety and would be held in a designated area of an on-premises licensee's establishment. The sponsor could provide only spirits that had gone through the State's control system and would be required to remove those products from the retail licensee's premises after the taste-testing event was concluded.

Enacted law summary

Public Law 2005, chapter 319 allows distillers, licensed distilled spirits sales representatives and the State's wholesale liquor provider to sponsor spirits taste-tasting events for the purpose of allowing retail licensees to sample spirits. It provides that the sponsor of a taste-testing event must obtain written permission from the Department of Public Safety prior to holding the event and that the event must be held in a designated area of an

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on-premises licensee's establishment. Public Law 2005, chapter 319 prohibits the sponsor from providing any spirits at an event other than those spirits that have gone through the State's control system.

LD 1292 **Resolve, To Study the Citizen Initiative Process** **ONTP**

<u>Sponsor(s)</u> SAVIELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1292 proposed to establish the Task Force to Study the Citizen Initiative Process. The resolve would also direct the task force to file its report by January 2, 2006.

LD 1335 **An Act To Create a Small Distillery Off-premises License** **PUBLIC 390
EMERGENCY**

<u>Sponsor(s)</u> EDMONDS PATRICK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-263
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LD 1335 proposed to create a limited off-premises license to allow an in-state manufacturer of spirits to sell only its product on its premises, as long as the product goes through the usual distribution process for spirits.

Committee Amendment "A" (S-263) proposed to substitute the word "distiller" for "manufacturer" to limit the scope of the bill and would define a "small distillery" to mean a distillery that does not produce spirits in excess of 50,000 gallons per year. It proposed that a person may hold only one small distillery off-premises license and would limit the renewal of the license to one additional year for distilleries that exceed the 50,000-gallon limit. It would also exempt the holder of a small distillery off-premises license from being licensed as an agency store and clarify that a person must hold a distiller license to be eligible for a small distillery off-premises license. This amendment proposed to clarify that spirits sold on the distillery premises must go through the state control system and would require that off-premises sales records be kept separate from the distiller's other business records. It would also clarify that the license fee is \$100 annually.

Enacted law summary

Public Law 2005, chapter 390 creates a small distillery off-premises license to allow an in-state distiller of spirits to sell only its product on its premises, as long as the product goes through the usual distribution process for spirits. It also defines a "small distillery" to mean a distillery that does not produce spirits in excess of 50,000 gallons per year. Public Law 2005, chapter 390 provides that a person must hold a distiller license to be eligible for a small distillery off-premises license and sets the license fee at \$100 annually.

Public Law 2005, chapter 390 was enacted as an emergency measure effective June 14, 2005.