

# 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 1336**

**An Act To Promote Economic Development in Commercial and  
Downtown Areas of the State**

**PUBLIC 269  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON PATRICK	OTP-AM	S-204

LD 1336 proposed that when a new church or school enters a preexisting commercially zoned area that allows the issuance of liquor licenses or a downtown area, the prohibition on issuing liquor licenses to businesses located within 300 feet of a school or church does not apply.

**Committee Amendment "A" (S-204)** proposed to clarify that the prohibition on issuing liquor licenses to businesses located within 300 feet of a school or church does not apply to a school or church located in a downtown area.

***Enacted law summary***

Public Law 2005, chapter 269 provides that when a new church or school enters a preexisting commercially zoned area that allows the issuance of liquor licenses or a downtown area, the prohibition on issuing liquor licenses to businesses located within 300 feet of a school or church does not apply.

Public Law 2005, chapter 269 was enacted as an emergency measure effective June 2, 2005.

**LD 1345**

**An Act To End the Influence of Special Interest Money in  
Campaign Financing**

**ONTP**

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

Current law does not limit the amount of contributions political action committees can make to other political action committees. LD 1345 proposed amending current law by prohibiting a political action committee from making contributions aggregating more than \$250 to another political action committee.

**LD 1355**

**An Act To Prohibit Unfair Charges in Mobile Home Parks**

**PUBLIC 156**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N HOBBINS	OTP-AM	H-285

LD 1355 proposed to make the following changes to the mobile home park landlord and tenant law.

1. It would prohibit mobile home park owners or owners' agents from charging otherwise illegal entrance fees regardless of what those fees are called and prohibits park owners or owners' agents from charging exit fees to tenants for removing homes from the park.

## Joint Standing Committee on Legal and Veterans' Affairs

2. It would limit the penalty for late payment of rent to 4% of the amount due for one month. Also, it would provide that rent is not late if it is made within 15 days from the time the payment is due.

**Committee Amendment "A" (H-285)** proposed to remove from the bill the prohibition against charging a tenant an exit fee for removing that tenant's mobile home from the mobile home park.

### *Enacted law summary*

Public Law 2005, chapter 156 makes the following changes to the mobile home park landlord and tenant law.

1. It clarifies that a mobile home park owner or the owners' agent may not charge an entrance fee, regardless of what those fees are called, to a tenant who is moving into a mobile home currently in a mobile home park that is greater than 2 times the amount of the monthly rent.
2. It limits the penalty for late payment of rent to 4% of the amount due for one month and provides that rent is not late if it is made within 15 days from the time the payment is due.

**LD 1371**

**An Act To Provide Additional Funding for Prescription Drugs for  
Maine's Elderly**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM NUTTING J	ONTP	

Under current law, 2% of total gross slot machine income is deposited in the Fund to Stabilize Off-track Betting Facilities for the distribution of revenue to off-track betting facilities.

LD 1371 proposed to repeal that fund and creates a new fund, the Harness Racing Stabilization Fund, into which 2% of the total gross slot machine income must be deposited. The new fund would serve as a source of revenue for licensed off-track betting facilities that apply to the Department of Public Safety, Gambling Control Board for financial assistance payments. The board would be required to establish criteria that the off-track betting facility must meet in order to be eligible for financial assistance payments. One criterion that an off-track betting facility would have to meet is a showing of loss of revenue due to the presence of licensed slot machines in the State. The board would determine whether the off-track betting facility has met the criteria and the amount of the financial assistance payment. If the amount of payments to the fund exceeds the amount of financial assistance payments, then the excess lapses to the Treasurer of State and would be used for the elderly low-cost drug program in the Department of Health and Human Services.

The financial assistance payments would cease 48 months after the start of payments. As proposed by this bill, when the financial assistance payments cease, 2% of the total gross slot machines income would be allocated to the elderly low-cost drug program.