

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

July 2006

Members:

*Sen. Kenneth T. Gagnon, Chair
Sen. Elizabeth H. Mitchell
Sen. Debra D. Plowman*

*Rep. John L. Patrick, Chair
Rep. John L. Tuttle, Jr.
Rep. Charles D. Fisher
Rep. Linda M. Valentino
Rep. Randy E. Hotham
Rep. Richard B. Brown
Rep. Gary W. Moore*

*Rep. David N. Ott
Rep. Wright H. Pinkham, Sr.
Rep. Joan M. Nass
Rep. Frederick J. Moore, III*

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular 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 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 (Pocket Veto).....	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 August 23, 2006.

Joint Standing Committee on Legal and Veterans Affairs

- 8. Add an appropriations and allocations section to transfer money from All Other to Personal Services within the Maine Clean Election Fund to pay for a support staff position for 9 months during the 2006 election year devoted primarily to auditing Maine Clean Election Act candidates.

Enacted law summary

Public Law 2005, chapter 542 amends the laws governing the use of Maine Clean Election Act funds by participating candidates as follows:

- 1. It provides for an increased penalty for not including information in required reports about who paid for a political communication with intent to mislead;
- 2. It provides that municipal candidates may dispose of surplus campaign funds by making a gift to the municipality as state candidates may dispose of surplus campaign funds by making a gift to the State;
- 3. It clarifies that a candidate participating in the Maine Clean Election Act and all agents of the candidate may not use public funds for anything other than campaign-related purposes;
- 4. It requires candidates to deposit Maine Clean Election Act funds into a bank account or other financial institution account;
- 5. It requires Maine Clean Election Act candidates to keep vendor invoices and cancelled checks or other proof of payment to vendors for expenditures of \$50 or more;
- 6. It requires that a participating candidate keep account statements for 2 years after the candidate's last election;
- 7. It authorizes the Commission on Governmental Ethics and Election Practices to require the repayment of Maine Clean Election Act funds used by a campaign treasurer or consultant for other than campaign-related purposes; and
- 8. It provides for appropriations and allocations in order to transfer money from All Other to Personal Services within the Maine Clean Election Fund to pay for a support staff position for 9 months during the 2006 election year devoted primarily to auditing Maine Clean Election Act candidates.

Public Law 2005, chapter 542 was enacted as an emergency measure effective April 6, 2006.

LD 1627

An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL CANAVAN	ONTP MAJ OTP-AM MIN	

LD 1627 proposed to allow dual liquor licenses for on-premises consumption and off-premises retail sales for fine wine stores that also prepare and sell food for consumption on their premises.

Joint Standing Committee on Legal and Veterans Affairs

Committee Amendment “A” (S-518) proposed to replace the bill and was the minority report of the committee. It would have created a new license that allows a restaurant to have a license to sell wine for off-premises and on-premises consumption. The fee for this license would have been \$420. Premises eligible for this license would have been required to carry at least 125 labels of wine for retail sale and generate at least 50% of their annual gross income from the sale of wine for off-premises consumption and would have been limited to 2,500 square feet. The holder of this license would have been prohibited from having a financial interest in any other establishment licensed to sell alcoholic beverages for either off-premises or on-premises consumption. This amendment also proposed to require that people employed by the licensed premises to sell wine for either off-premises or on-premises consumption complete a seller-server education course.

LD 1700

An Act To Protect Military Families

INDEF PP

Sponsor(s)
FISCHER

Committee Report
OTP-AM

Amendments Adopted
H-775

LD 1700 proposed to provide a \$250,000 life insurance policy free to members of the Maine Army National Guard who go into combat zones.

Committee Amendment “A” (H-775) proposed to replace the bill. It would have required that the Commissioner of Defense, Veterans and Emergency Management reimburse members of the National Guard and Reserves assigned to a unit in Maine for the cost of monthly premiums paid to the Federal Government for supplemental life insurance. A member of the National Guard or Reserves assigned to a unit in Maine who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom during any month in the calendar year 2006 would have been eligible for reimbursement for each month deployed in that year regardless of the number of days served in that month.

Although LD 1700 was not enacted, the same provision proposed by Committee Amendment A was incorporated into the supplemental budget and enacted as Part W of Public Law 2006, chapter 519.

LD 1727

An Act To Extend the Lobbyist Reporting Requirements to Executive Branch Lobbying Activities

DIED BETWEEN BODIES

Sponsor(s)
CANAVAN
EDMONDS

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 1727 proposed to amend the definition of “lobbying” under the lobbyist disclosure laws to ensure that all the reporting and disclosure requirements currently in place for lobbyists apply to individuals who lobby any official in the executive branch of State Government in addition to officials in the legislative branch and the Governor.

The bill also proposed to include communications regarding agency rules or proposed rules.

Committee Amendment “A” (H-923) proposed to replace the bill and was the minority report. It would have amended the definition of “lobbying” to include communication with state agency commissioners, commissioners'