

# 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*

**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. Patricia A. Blanchette  
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Rep. Richard B. Brown  
Rep. Gary W. Moore  
Rep. David N. Ott*

*Rep. Wright H. Pinkham, Sr.  
Rep. Frederick J. Moore, III*

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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*

**Committee Amendment "A" (S-277)** replaces the bill and creates a small brewer distiller license that allows the holder to have up to 3 Maine retail licenses for connected establishments owned in whole or in part by the holder of the small brewer distiller license. To be eligible for the license, a person must hold a small breweries license and have a basic federal permit for distilling spirits; and to maintain the license, a person may not distill more than 30,000 gallons of spirits per year. It provides that spirits produced by the distillery must be sold to the State and are subject to the listing, pricing and distribution of the Maine Revised Statutes, Title 28-A. This amendment also provides for the sampling of spirits produced at the distillery for quality control purposes and allows certain information to be printed on the distilled product's label and sets the license fee at \$100 annually.

### *Enacted law summary*

Public Law 2005, chapter 377 creates a small brewer distiller license that allows the holder to have up to 3 Maine retail licenses for connected establishments owned in whole or in part by the holder of the small brewer distiller license. To be eligible for the license, a person must hold a small breweries license and have a basic federal permit for distilling spirits. It provides that the holder of a small brewer distiller license may not distill more than 30,000 gallons of spirits per year and those spirits must be sold to the State and are subject to the listing, pricing and distribution provisions of the Maine Revised Statutes, Title 28-A. Public Law 2005, chapter 377 also allows the sampling of spirits produced at the distillery for quality control purposes and sets the license fee at \$100 annually.

### **LD 1672**

**Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures; Portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices** **RESOLVE 111 EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-566

LD 1672 proposed to provide for legislative review of portions of Chapter 1: Procedures; portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, major substantive rules of the Commission on Governmental Ethics and Election Practices.

**Committee Amendment "A" (H-566)** proposed to authorize final adoption of portions of Chapter 1: Procedures; portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates with the following changes.

In Chapter 1, section 7, with regard to the advance purchase of goods and services, the language must be changed to specifically include radio and television contracts and contracts for design work among the goods and services that, if contracted or paid for prior to the primary election, must be received prior to the primary election to be considered primary election expenditures. The language in Chapter 1, section 7, with regard to the advance purchase of goods and services, must also be changed to remove the requirement that a report be filed when a preponderance of goods purchased during the primary election cycle are used during the general election cycle. The change must also provide that, upon complaint regarding the use of goods and services purchased during a primary election during a general election, the commission may request an additional expenditure report.

## *Joint Standing Committee on Legal and Veterans' Affairs*

### ***Enacted law summary***

Resolve 2005, chapter 111 authorizes final adoption of portions of Chapter 1: Procedures; portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates with the following changes:

In Chapter 1, section 7, with regard to the advance purchase of goods and services, the language must be changed to specifically include radio and television contracts and contracts for design work among the goods and services that, if contracted or paid for prior to the primary election, must be received prior to the primary election to be considered primary election expenditures. The language in Chapter 1, section 7, with regard to the advance purchase of goods and services, must also be changed to remove the requirement that a report be filed when a preponderance of goods purchased during the primary election cycle are used during the general election cycle. The change must also provide that, upon complaint regarding the use of goods and services purchased during a primary election during a general election, the commission may request an additional expenditure report.

Resolve 2005, chapter 111 was finally passed as an emergency measure and took effect on June 10, 2005.

**LD 1686**

**An Act To Amend the Laws Governing Political Caucuses,  
Conventions and Committees**

**PUBLIC 387**

Sponsor(s)  
GERZOFSKY  
BRYANT B

Committee Report

Amendments Adopted

LD 1686 proposed a number of changes to the laws governing political caucuses, conventions and committees. This bill was enacted on the floor without reference to any Committee.

### ***Enacted law summary***

Public Law 2005, chapter 387 makes the following changes to the laws governing political caucuses, conventions and committees.

1. It provides that a person who meets certain requirements may vote in any election in a municipality, including a biennial municipal caucus.
2. It provides that a person who has not attained 18 years of age may vote in a municipal caucus if that person will be at least 18 years of age as of the date of the next general election.
3. It changes gender-specific language.
4. It changes the requirements for the calling, timing and notice of a biennial municipal caucus.
5. It provides that delegates to a party's state convention must be qualified to vote in the party's primary election unless otherwise permitted by party rules.
6. It provides that a state convention shall elect a county committee for each county from persons nominated at municipal caucuses held in the county, unless party rules provide for county committee members to be elected directly by their respective municipalities.