

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.

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designees and constitutional officers for the purpose of influencing any legislative action when reimbursement for expenditures or compensation is made for that communication.

This amendment provided that “lobbying” would not include time spent by any person providing information to or participating in a subcommittee, stakeholder group, task force or other work group regarding a legislative action by the appointment or at the request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency commissioner or the chair of a state board or commission as long as the person's regular employment does not otherwise include lobbying.

LD 1748

An Act To Make Technical Changes to the Gambling Laws

PUBLIC 663

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-488

LD 1748 proposed to make the following changes to the laws concerning gambling.

1. It would authorize members of the Department of Public Safety, Gambling Control Board to receive a per diem compensation of \$35.
2. It would amend the definition of “gross slot machine income,” establishes a definition of “net slot machine income” and amends the terms consistently to be consistent throughout the law.
3. It would establish a fixed fee for reregistration of slot machines and provides that changes to the section of law governing registration fees and terms are routine technical rules as long as the fees established under that section do not exceed \$10,000.
4. It would establish the annual renewal fee of \$75,000 for a slot machine distributor license, and clarifies that certain application fees are annual fees.
5. It would specify that \$25,000 of the annual renewal fee for a slot machine operator must be deposited in a fund to be transferred to the municipality in which the slot machine is located.
6. It would provide that, notwithstanding the law governing abandoned property, a slot machine operator may not redeem credits earned on slot machines more than 365 days after issuance.
7. It would expand the definition of the crime of “unlawful gambling” to include gambling at slot machines by persons under 21 years of age, and requires that all income associated with a violation of unlawful gambling be forfeited to the State.
8. It would direct trained personnel of the Gambling Control Board to take fingerprints of persons seeking licensure under the Maine Revised Statutes, Title 8, chapter 31, and directs that such fingerprints be transmitted to the Department of Public Safety, State Bureau of Identification.

Committee Amendment “A” (S-488) proposed to clarify the definition of net slot machine income. It provided that the initial registration fee for employees of slot machine operators, slot machine distributors and gambling services vendors would be \$250 while the annual renewal fee would be \$25. It would clarify that a rule pertaining to fees for slot machines, slot machine distributors, slot machine operators, gambling services vendors

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and employees is a routine technical rule if the rule proposes a fee of less than \$10,000. The amendment would clarify a reference to unclaimed winnings, stating that they are retained by the slot machine operator and are not subject to the law governing unclaimed property. Finally, this amendment would provide that the Gambling Control Board receive per diem payment retroactive to August 1, 2004.

Enacted law summary

Public Law 2005, chapter 663 clarifies the definition of net slot machine income. It provides that the initial registration fee for employees of slot machine operators, slot machine distributors and gambling services vendors is \$250 while the annual renewal fee is \$25. It clarifies that a rule pertaining to fees for slot machines, slot machine distributors, slot machine operators, gambling services vendors and employees is a routine technical rule if the rule proposes a fee of less than \$10,000. It also clarifies a reference to unclaimed winnings, stating that they are retained by the slot machine operator and are not subject to the law governing unclaimed property. Finally, chapter 663 provides that the Gambling Control Board receive per diem payment retroactive to August 1, 2004.

LD 1820

An Act To Allow Small Businesses To Participate in Liquor Sales

PUBLIC 596

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM MAJ ONTP MIN	H-821 S-560 GAGNON

LD 1820 proposed to allow the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the sale of liquor to license up to 4 agency liquor stores in a municipality with a population of 20,000 or less where a state liquor store has been closed. Current law allows 3 agency liquor stores in such a municipality.

Committee Amendment “A” (H-821) proposed to specify that when the licensing division within the Department of Public Safety considers issuing an agency liquor store license in a municipality eligible for 4 agency liquor store locations, for one of the 4 locations it would be required to give favorable consideration to applicants with retail space under 3,000 square feet, pedestrian access and the convenience of a downtown location.

House Amendment “A” to Committee Amendment “A” (H-854), which was not adopted, proposed to apply the factors specified in Committee Amendment “A” that must be considered by the licensing division within the Department of Public Safety when considering issuing an agency liquor store license to, not just one of 4 locations, but any application for an agency liquor store.

Senate Amendment “A” to Committee Amendment “A” (S-560) proposed to remove the provision of the bill that permitted an increase in the number of agency liquor stores in a town with a population of less than 20,000. This amendment would require that when determining the feasibility of the location of an agency liquor store the licensing division within the Department of Public Safety shall consider as part of its investigation the absence of an existing agency store with less than 3,000 square feet of retail space in a downtown location. The licensing division would not be required to consider the availability of parking spaces for the issuance of a license for such stores.