

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

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.

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Enacted law summary

Public Law 2005, chapter 596 provides that when considering issuing a license for an agency liquor store, the licensing division of Department of Public Safety shall consider the absence of an existing agency store in a downtown location with less than 3,000 square feet of retail space. This law also provides that the licensing division is not required to consider the availability of parking spaces when issuing a license to a store with under 3,000 feet of retail space in a downtown location.

LD 1822 **An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists** **PUBLIC 613**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	ONTP MAJ OTP-AM MIN	H-822 S-622 PLOWMAN

LD 1822 was a concept draft pursuant to Joint Rule 208. This bill proposed to establish a register for all lobbyists, based on Wisconsin law that maintains records of individuals, who they work for and what organizations they represent; what legislation they are interested in; and how they voted on certain legislation.

Committee Amendment “A” (H-822) proposed to replace the bill, which was a concept draft. It was the minority report of the committee. The amendment proposed to make changes to the lobbyist disclosure laws and also requires a lobbyist disclosure website.

It would amend the definition of “lobbying” to include communicating with the Governor or an official in the legislative branch with regard to an issue or topic that is not the subject of legislative action when the purpose of that communication is to influence the position of the Governor, a Legislator or an official in the legislative branch. It would require that upon termination of employment of a lobbyist, the employer and the lobbyist would be responsible for completing and submitting any outstanding reports. It would require quarterly reporting as opposed to monthly reporting required by current law and strikes the annual reporting and monthly nonsession reporting requirements. The amendment would strike a provision that exempts a lobbyist from the penalty for failure to file if the lobbyist failed to file during a special session when no lobbying was performed. It would require that within 10 days of commencing lobbying activity, the lobbyist notify the Commission on Governmental Ethics and Election Practices of the legislative action, issue or topic that is subject to lobbying activity, including the position on the topic.

It also proposed to add the following to what is currently required by lobbying activity reports:

1. Lobbying activity on a particular issue relative to a part of a budget bill;
2. A reasonable estimate of the number of hours spent lobbying on each legislative action, issue, topic or other matter reported;
3. The position stated by the lobbyist on behalf of the employer, whether it be in favor, opposed, partially in favor or opposed or neither for nor against, or whether the issue is just being monitored by the lobbyist; and