

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

The amendment also proposed to add language to the bill to clarify that the State Liquor and Lottery Commission establishes the prices of spirits sold in the State. It also would remove a reference to state discount liquor stores that were authorized by a section of law that has since been repealed.

Enacted law summary

Public Law 2005, chapter 539 removes obsolete language from current law pertaining to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and the Department of Public Safety and adds a representative from the bureau to the Server Education Advisory Committee. It also amends the definition of “low-alcohol spirits product” to mean a product containing spirits that has an alcohol content of 6% or less by volume. Current law defines a low-alcohol spirits product as a product containing spirits that has an alcohol content of less than 6% by volume. Chapter 539 clarifies that the State Liquor and Lottery Commission establishes the prices of spirits sold in the State and removes a reference to state discount liquor stores that were authorized by a section of law that has since been repealed.

LD 1889

An Act To Amend the Election Laws

**PUBLIC 568
EMERGENCY**

Sponsor(s)
FISHER

Committee Report
OTP-AM

Amendments Adopted
H-866
H-888 GLYNN

LD 1889 proposed to restore the voter address confidentiality provisions and requirements for counting valid write-in votes that were eliminated during the First Regular Session of the 122nd Legislature. This bill would grant authority for the municipal clerk to conduct the duties of the registrar of voters and removes a redundant provision about the certification of the list of absentee voters. The bill would also prohibit a candidate from assisting voters who are unable to sign their own names with signing candidate petitions or Maine Clean Election Act forms. This bill would clarify that township voters may choose the most convenient municipality in which to register to vote only if the county commissioners have not provided for a voting place either in the township or in another municipality. This bill would remove an inconsistent provision for the retention of voter registration documents and make a technical change to the ballot retention period. This bill would also change certain requirements for reporting to the Secretary of State by qualified political parties and the municipal clerks. This bill would prohibit the unauthorized reproduction of unmarked official ballots. The bill would make changes to the zones in which political activities are restricted, both for Election Day and for absentee voting.

Committee Amendment “A” (H-866) proposed to add a mandate preamble to the bill and make a technical change.

House Amendment “A” (H-888) proposed to reduce from 250 feet to 100 feet the zone around a voting place, registrar's office or clerk's office on Election Day or for absentee voting in which political activities are restricted. This amendment would restore the zone to 250 feet.

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Enacted law summary

Public Law 2005, chapter 568 restores the voter address confidentiality provisions and requirements for counting valid write-in votes that were eliminated during the First Regular Session of the 122nd Legislature. This law grants authority for the municipal clerk to conduct the duties of the registrar of voters and removes a redundant provision about the certification of the list of absentee voters. The law also prohibits a candidate from assisting voters who are unable to sign their own names with signing candidate petitions or Maine Clean Election Act forms. This law clarifies that township voters may choose the most convenient municipality in which to register to vote only if the county commissioners have not provided for a voting place either in the township or in another municipality. The law also removes an inconsistent provision for the retention of voter registration documents and makes a technical change to the ballot retention period provision. Chapter 568 changes certain requirements for reporting to the Secretary of State by qualified political parties and the municipal clerks and prohibits the unauthorized reproduction of unmarked official ballots.

Public Law 2005, chapter 568 was enacted as an emergency measure effective April 11, 2006.

LD 1894 **An Act To Allow Independent Wineries To Serve Wine at Trade Shows** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNN PERRY J	ONTP	

LD 1894 proposed to amend the laws governing Maine farm wineries. Farm wineries are limited in the amount of wine they may produce in a year – 50,000 gallons. Farm wineries are treated differently than larger wine manufacturers in that they may sell or deliver their product directly to retailers and on-premises licensees as opposed to going through a wholesaler. They may also offer complimentary samples of their wine at the winery unlike larger manufacturers. This bill proposed to permit the holder of a farm winery license to offer samples at trade shows. This bill would define a trade show as an event at which goods and services of a specific industry are exhibited including but not limited to a public wine-tasting at a licensed retail store or restaurant.

LD 1899 **An Act To Require the Display of POW-MIA Flags at Courthouses** **PUBLIC 658**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES WOODCOCK	OTP-AM	H-827 S-701 ROTUNDO

LD 1899 proposed to allow District Courts, Superior Courts and the Supreme Judicial Court to display the POW-MIA flag whenever the flag of the United States is flown.

Committee Amendment “A” (H-827) proposed to replace the bill. It would require courthouses owned by the State to display the prisoner of war - missing in action flag on Former Prisoner of War Recognition Day and 6 national holidays. It also would provide that a courthouse owned by the State may display the flag on any other day in addition to those required. It would also add an appropriations and allocations section.