

# 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](http://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

### 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.

## Joint Standing Committee on Legal and Veterans Affairs

**Senate Amendment “A” to Committee Amendment “A” (S-701)** proposed to strike the appropriations and allocations section from the committee amendment.

### *Enacted law summary*

Public Law 2005, chapter 658 requires 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 provides that a courthouse owned by the State may display the flag on any other day in addition to those required.

**LD 1900**

**An Act To Allow the Importation of Wine**

**ONTP**

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

LD 1900 proposed to permit interstate and foreign suppliers to ship wine directly to Maine consumers.

**Committee Amendment “A” (H-976)** proposed to replace the bill and was the minority report of the committee. The amendment would create a direct shipper license that authorizes an in-state or out-of-state winery to ship wine directly to a person who is 21 years of age or older. It would require that shipments be conspicuously labeled as alcohol and be delivered by common carrier who must verify that the recipient is 21 years of age or older. That direct shipper would be required to pay all applicable sales and alcohol taxes and shall submit quarterly reports to the State Tax Assessor and the Department of Public Safety's division administering liquor licensing and taxation. The amendment proposed to provide that the holder of a direct shipper license must comply with the beverage container laws. The license fee for a direct shipper license proposed was \$100 with a \$50 annual renewal fee.

**LD 1916**

**An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES	OTP-AM	H-797
COURTNEY		

LD 1916 proposed to require that the ballot on which citizen initiated legislation appears include a statement of the fiscal impact of the legislation on state revenues, appropriations and allocations, prepared by the Office of Fiscal and Program Review.

**Committee Amendment “A” (H-797)** proposed to clarify what is required in the fiscal statement that is to be included on the ballot with the direct initiative question.