

# 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*

**Staff:**

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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*

**LD 1929**

**An Act To Strengthen Maine's Craft Brewing Industry**

**ONTP**

|                              |  |                                 |  |                           |
|------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u><br>EDMONDS |  | <u>Committee Report</u><br>ONTP |  | <u>Amendments Adopted</u> |
|------------------------------|--|---------------------------------|--|---------------------------|

LD 1929 proposed to provide tax incentives to malt liquor brewers to encourage them to increase their employment in Maine and the amount of malt liquor produced in Maine and exported for sale outside of Maine.

Section 1 of this bill proposed to amend the provisions of the alcohol beverage laws governing manufacturers, stating that a person licensed by the bureau may contract with a brewery or small brewery to manufacture that person's malt liquor. Section 1 also proposed that the licensing criteria and fee would be established by routine technical rule.

Section 2 of this bill proposed to amend the premium tax provisions of Title 28-A and provide that a brewer who does manufacture beer in this state, exports it for sale out of state and pays excise tax is eligible for a tax credit of 17.5 cents per gallon. The tax credit would be applied to 90% of what is produced in the first year and would have decreased by 10% of what is produced for 9 subsequent years. An additional credit of 17.5 cents/gallon would be applied for each year if the brewer manufactured and exported 110% of what was produced the previous year. The bureau would be authorized to adopt routine technical rules to administer this tax credit provision.

Section 3 of this bill proposed to amend the tax code regarding employment tax paid by manufacturers of malt liquor. Section 3 proposed to allow a 50% credit against the withheld state taxes on an employers wages for each employee employed in the state above the number employed by the brewer in its base year (which would be 2005 or the first year in business whichever is later). The credit would expire January 1<sup>st</sup>, 2017. Section 3 would also authorize the Bureau of Revenue Services to adopt routine technical rules to administer the credit.

**LD 1993**

**An Act Regarding Testimony Presented to Joint Select and Joint Standing Committees of the Legislature by Persons Paid To Testify**

**PUBLIC 562**

|  |  |                                   |  |                                    |
|--|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u><br>FAIRCLOTH<br>BARTLETT |  | <u>Committee Report</u><br>OTP-AM |  | <u>Amendments Adopted</u><br>H-904 |
|--|--|-----------------------------------|--|------------------------------------|

LD 1993 proposed to require that a person who testifies before a legislative committee must disclose a financial interest that may or does affect the person's testimony.

**Committee Amendment "A" (H-904)** proposed to replace the bill and change the title. It would require a lobbyist or lobbyist associate to disclose the name of the person or organization represented when testifying before a joint select or joint standing committee of the Legislature. It would also require the lobbyist or lobbyist associate to disclose whether the lobbyist or lobbyist associate or the person or organization represented is compensating a person who is testifying before a joint select or joint standing committee of the Legislature. The amendment would provide that alleged violations of this requirement may be reported to the Commission on Governmental Ethics and Election Practices in accordance with the Joint Rules of the Legislature.

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

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

Public Law 2005, chapter 562 requires a lobbyist or lobbyist associate to disclose the name of the person or organization represented when testifying before a joint select or joint standing committee of the Legislature. It also requires the lobbyist or lobbyist associate to disclose whether the lobbyist or lobbyist associate or the person or organization represented is compensating a person who is testifying before a joint select or joint standing committee of the Legislature. Chapter 562 provides that alleged violations of this requirement may be reported to the Commission on Governmental Ethics and Election Practices in accordance with the Joint Rules of the Legislature.

**LD 2013**

**Resolve, Regarding a Monument for Women Veterans of Maine**

**RESOLVE 215  
EMERGENCY**

Sponsor(s)  
MITCHELL  
CANAVAN

Committee Report  
OTP

Amendments Adopted

This resolve proposed to amend Resolve 2005, chapter 116 to extend the Commission to Arrange for a Monument Honoring Women Veterans of Maine until December 7, 2006

It would deallocate funds from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to be reallocated to the commission to pay for the meetings of the commission. The resolve includes an emergency preamble and emergency clause. It would also make the resolve retroactive to September 15, 2005.

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

Resolve 2005, chapter 215 amends Resolve 2005, chapter 116 to extend the Commission to Arrange for a Monument Honoring Women Veterans of Maine until December 7, 2006.

It deallocates funds from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to be reallocated to the commission to pay for the meetings of the commission. It also makes the resolve retroactive to September 15, 2005.

Resolve 2005, chapter 215 was finally passed as an emergency measure effective May 30, 2006.