

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LEGAL AND
VETERANS' AFFAIRS**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Legal and Veterans Affairs

Enacted Law Summary

Public Law 2007, chapter 461, requires the Adjutant General to establish a system to award gold star medals to relatives living in Maine of members of the United States Armed Forces who are killed in action or die as a result of injuries received in battle since September 11, 2001. The system is to be administered by the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management. The amendment provides that up to 3 medals may be awarded. One medal would be issued to a surviving spouse and one to the parents or 2 if the parents are divorced. If the service member has no surviving spouse or parents or they live outside of the State, a medal may be awarded to the service member's next of kin.

LD 76 An Act To Temporarily Reduce the Fee To Operate High-stakes Beano

PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORING SCHNEIDER	OTP-AM	H-83

This bill eliminates the annual fee for a high-stakes beano license.

Committee Amendment "A" (H-83)

This amendment replaces the bill. It reduces the annual license fee due to be paid in 2008 and 2009 to the Chief of the State Police for the operation of high-stakes beano from \$50,000 to \$25,000. This amendment also requires the Chief of the State Police to issue a report to the Joint Standing Committee on Legal and Veterans' Affairs that describes enforcement and administrative functions conducted with regard to the conduct of high-stakes beano during 2008.

Enacted Law Summary

Public law 2007 chapter 109 reduces the annual license fee due to be paid in 2008 and 2009 to the Chief of the State Police for the operation of high-stakes beano from \$50,000 to \$25,000. This amendment also requires the Chief of the State Police to issue a report to the Joint Standing Committee on Legal and Veterans' Affairs that describes enforcement and administrative functions conducted with regard to the conduct of high-stakes beano during 2008.

LD 106 An Act To Prohibit a Maine Clean Election Act Candidate from Participating in Political Action Committee Funding

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW	ONTP MAJ OTP MIN	

This bill prohibits Maine Clean Election Act candidates from participating in political action committees that are established to influence the election or defeat of legislative candidates or to support that candidate's effort to be elected to a legislative leadership position.

LD 127 An Act To Amend the Laws Pertaining to Beano

PUBLIC 110

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK BRYANT B	OTP-AM	H-115

Joint Standing Committee on Legal and Veterans Affairs

This bill allows a person who sells lucky seven or other sealed tickets prior to a beano game as a volunteer to play in the beano game. Current Department of Public Safety rules prohibit a person who sells lucky seven or sealed tickets from participating in beano.

Committee Amendment "A" (H-115)

This amendment removes an incorrect reference in the bill. As corrected, it allows a person who, as a volunteer, sells or distributes beano cards or materials used to play beano prior to a beano game to then play in the beano game. Current Department of Public Safety rules prohibit a person who sells beano cards or materials from participating in beano.

Enacted Law Summary

Public Law 2007, chapter 110 allows a person who, as a volunteer, sells or distributes beano cards or materials used to play beano prior to a beano game to then play in the beano game

LD 143 An Act To Allow Direct-to-consumer Wine and Malt Liquor Sales

INDEF PP

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

This bill allows for an out-of-state producer, supplier, importer, wholesaler, distributor or retailer who obtains a Maine certificate of approval license and a non-resident shippers license to ship wine or malt-liquor directly to a resident of this state 21 years of age or older for personal use. This bill creates a non-resident shipper's license available to certificate of approval holders who show proof of an out-of-state alcoholic beverage license. The fee for a non-resident shipper's license as provided by this bill is \$100. Certificate of approval holder in current law is an in-state manufacturer, out-of-state manufacturer or out-of-state wholesaler license by the bureau. A manufacturer is a person who distills, rectifies, brews, ferments, bottles, or other wise produces liquor.

This bill requires that shipped wine or malt liquor go only to a resident 21 years of age or older and may not be re-sold. The delivery must be made to the person who has ordered the product or an of-age person who resides in that household. The bill requires that the shipping container be conspicuously labeled "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY" A shipper would be barred from shipping to prohibited shipping areas as identified by the bureau or local option.

The bill provides that a non-resident shipper shall pay annually all sales and excise taxes due on sales during the preceding calendar year.

The bill requires a non-resident shipper to report to the bureau annually the total number of bottles of beer or wine shipped into the state. It also provides that the bureau may audit the shipper's records.

The bill provides that a violation of this act would be a Class D crime and would constitute a violation of the Maine Unfair Trade Practices Act. The bureau may suspend or revoke the shipper's license for a violation - subject to administrative proceedings.

The bill provides that the bureau may adopt routine technical rules to administer these provisions.