

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

LD 1562 An Act To Restrict the Placement of Political Signs by Requiring Permission

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	ONTP	

This bill authorizes a landowner whose property abuts a right of way to remove a political sign from in front of their property if it was placed there without permission.

LD 1577 An Act To Address the Pervasive Effect of Substance Abuse in Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	ONTP	

This bill establishes a definition of importer as a person other than a licensed manufacturer wherever located who imports spirits into the state for sale or use. The bill requires spirits manufacturers and importers to be licensed under a new license fee structure. This license fee structure sets a fee for in-state spirits manufacturers at \$1,000 annually. A separate graduated fee structure is established for out-of-state spirits manufacturers based on annual in-state sales in gallons during the immediately preceding calendar year:

- \$50,000 for 10,000 gallons or greater;
- \$25,000 for greater than 5,000 but less than 10,000 gallons;
- \$5,000 for greater than 1,000 but less than 5,000 gallons; and
- \$1,000 for less than \$1,000.

The bill also establishes an annual license fee for importers of \$5,000 and an additional fee for out-of-state manufacturers with no prior Maine sales at \$10,000.

The bill increases the certificate of approval license fee for malt liquor only from \$600 to \$10,000 per year and for wine only from \$600 to \$5,000 per year. The bill increases the annual license fee for sales representatives from \$50 to \$2500. Wholesale licenses for malt liquor and wine would be increased from \$600 to \$10,000 annually. The effective date for fee increases would be January 1, 2008.

With regard to collection of these increased fees, as well as other fees collected in current law under chapter 51 (special warehouse fee, low alcohol spirits taxes), these fees would be deposited into the General Fund and then an equal amount appropriated to the Office of Substance Abuse. The bill requires that such funds would be required to use for substance abuse prevention, case treatment, management, monitoring, enforcement programs and drug courts.

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

LD 1607 An Act To Establish a Fund to Provide American Flags at Veterans' Graves

**PUBLIC 368
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANSLEY	OTP-AM	H-319 H-361 RINES

Joint Standing Committee on Legal and Veterans Affairs

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish a fund to purchase American flags to be given to individual family members or other nonprofit associations for placement upon veterans' graves at veterans' cemeteries in the State.

Committee Amendment "A" (H-319)

This amendment replaces the bill, which was a concept draft. This amendment establishes a flag placement program that requires the director of the Maine Veterans' Memorial Cemetery System to permit volunteers to place flags on veterans' graves from 2 days before to 3 days after Memorial Day. Under this program the director of the cemetery system may accept private donations of flags, tools and other equipment necessary to provide for the placement of flags. The amendment establishes a fund to carry out the purposes of the program. The fund may accept appropriations from the General Fund as well as private donations. The amendment also makes a minor technical change to the Maine Revised Statutes, Title 37-B, section 504, subsection 5.

House Amendment "A" (H-361)

This amendment was presented on behalf of the Committee on Bills in the Second Reading to prevent a conflict by incorporating a change made to the Maine Revised Statutes, Title 37-B, section 504, subsection 5 in Public Law 2007, chapter 167.

Enacted Law Summary

Public Law 2007, chapter 368 establishes a flag placement program that requires the director of the Maine Veterans' Memorial Cemetery System to permit volunteers to place flags on veterans' graves from 2 days before to 3 days after Memorial Day. Under this program the director of the cemetery system may accept private donations of flags, tools and other equipment necessary to provide for the placement of flags. Chapter 368 establishes a fund to carry out the purposes of the program. The fund may accept appropriations from the General Fund as well as private donations.

Chapter 368 was enacted as an emergency measure effective June 20, 2007.

LD 1643 An Act To Clarify Alcohol Enforcement

ONTP

Sponsor(s)

CAIN

Committee Report

ONTP

Amendments Adopted

This bill allows a minor into a B.Y.O.B. function at an educational institution if accompanied by an adult who is not the minor's parent, legal guardian or custodian if the adult receives permission from the B.Y.O.B. permittee and in writing identifies the minor and the minor's parent, legal guardian or custodian, accepts responsibility for the minor and acknowledges reading the laws concerning prohibitions of minors using alcohol and concerning endangering the welfare of a child, which must be printed on the written statement.

This bill also allows a student performing an official function for the student's school or for an organization officially sanctioned by the school to be present at a B.Y.O.B. function if the student is clearly identified as performing an official function and only while the student is performing the function. Finally, this bill makes an adult who accompanies a minor to a B.Y.O.B. event liable for the crime of endangering the welfare of a child if the minor consumes drugs or alcohol at the event.