

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

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

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Legal and Veterans Affairs

Lake in Standish;

6. One percent for scholarships for students at the University of Maine System;
7. One percent for scholarships for students at the Maine Community College System;
8. Ten percent for the Mountain Division Rail Line Authority, which is established in this bill and may issue bonds, to fund the acquisition, financing, construction, operation, improvement and repair of a railroad line from Portland through Westbrook, Gorham, Standish and Fryeburg to the New Hampshire border;
9. Two percent for the Northern New England Passenger Rail Authority to support the operation of a train on the railroad line from Portland to the New Hampshire border;
10. One percent for the Department of Agriculture, Food and Rural Resources to be used for equine rescue and other animal protection programs; and
11. One percent for the municipality in which the slot machines are located.

**LD 1924 An Act To Implement the Recommendations of the Committee To Review
the Taxation of Slot Machine Revenues, Created by Executive Order 33
Fiscal Year 2006-07**

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	JT RULE 309	

This bill is a concept draft pursuant to Joint Rule 208 and was carried over from the First Regular session. It proposes to implement the recommendations of the Committee to Review the Taxation of Slot Machine Revenues, created by Executive Order 33 Fiscal Year 2006-07. The recommendations from the committee proposed amending the definition of gross slot machine income and net slot machine income as well as changes to how the revenue from slot machines is distributed to the general fund.

LD 1966 Resolve, To Allow John Jorgensen To Sue the State

ONTP

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

This resolve authorizes John Jorgensen to bring a civil action against the Department of Transportation for damages in connection with actions taken by the Department of Transportation. The resolve allows up to \$4,000,000 in damages for injuries incurred in an accident that has already resulted in medical bills of nearly \$600,000 for Mr. Jorgensen.

LD 1985 An Act To Meet the Emergency Needs of Maine Veterans

**PUBLIC 678
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-468
		S-691 ROTUNDO

Joint Standing Committee on Legal and Veterans Affairs

This bill increases from \$500 to \$5,000 the amount of a grant that may be made by the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to a veteran who suffers an emergency, such as the loss of that veterans home to fire, flood or hurricane, that is not fully compensable by insurance, or an illness or the illness of an immediate family member or similar emergency. It also provides an appropriation of \$250,000 to fund the grants.

Committee Amendment "A" (S-468)

This amendment provides criteria for the award of grants under the emergency veterans assistance program. It strikes the increased distribution amounts proposed by the bill. The amendment replaces the appropriations and allocations section of the bill so that the money provided will be used to fund additional veterans services officers.

Senate Amendment "A" (S-691)

This amendment removes the General Fund appropriation to the Department of Defense, Veterans and Emergency Management of \$250,000 in fiscal year 2008-09 for a Veterans Services Officer position in Portland, a mobile Veterans Service Officer position, an Office Associate position, and related administrative and operating costs, and instead adds a one-time General Fund appropriation of \$85,000 to the Department of Defense, Veterans and Emergency Management in fiscal year 2008-09 for a contracted mobile Veterans Service Officer position and related administrative and operating costs and increases the amounts transferred to the General Fund from the Accident, Sickness and Health Insurance Internal Service Fund and the Retiree Health Insurance Internal Service Fund from savings achieved through changes adopted by the State Employee Health Commission by \$117,873 in fiscal year 2008-09.

Enacted Law Summary

Public Law 2007, chapter 678 provides criteria for the award of grants under the emergency veterans assistance program. It also provides for a one-time appropriation of \$85,000 to the Bureau of Veterans Services within the Department of Defense, Veterans and Emergency Management for a contracted mobile Veterans Services Officer. It also requires a study to determine the need and potential benefits of continuing this position as well as that of a Veterans Services Officer in Portland.

Public Law 2007, chapter 678 was enacted as an emergency measure effective April 23, 2008.

LD 1987 An Act To Allow Direct-to-consumer Wine Sales

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	ONTP MAJ OTP-AM MIN	S-575

This bill establishes a new license that allows an out-of-state alcoholic beverage producer, supplier, importer, wholesaler, distributor or retailer to ship wine directly to consumers in Maine. To obtain this non-resident shipper license, the applicant must first obtain a certificate of approval license from the state and show proof of their out-of-state alcoholic beverage license. The registration and annual renewal fee for the non-resident shipper license is \$100.

The bill requires that a person who wishes to have wine directly shipped to them must be at least 21 years of age and register with the Division of Liquor Licensing within the Department of Public Safety. Shipments of wine delivered under a non-resident shipper license are required to be labeled that they contain alcohol and can not be delivered to someone younger than age 21.

The bill requires a non-resident shipper to submit an annual report listing the number of wine bottles shipped during