

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

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STATE OF MAINE

124TH 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 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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

proposed in the bill to \$200. The amendment also specifies that a person who rents a room that contains a minibar must present proper identification to show proof of age and that a minibar may only be stocked by an employee who is 21 years of age or older. This amendment also adds an appropriations and allocations section to the bill.

House Amendment "A" To Committee Amendment "A" (H-290)

This amendment requires the Department of Public Safety to implement the provisions of this Act using departmental personnel and resources.

Enacted Law Summary

Public Law 2009, chapter 458 authorizes the Department of Public Safety to license hotels or similar establishments to sell alcoholic beverages from mini-bars in guest rooms. Rooms that contain mini-bars may only be rented to patrons who are at least 21 years of age and display proper identification at the time of rental.

LD 497 An Act To Conserve Energy in Residential Leasehold Tenancies

PUBLIC 139

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-161

This bill allows a landlord and tenant to agree in a written lease for the landlord to provide heat at less than 68 degrees Fahrenheit to a minimum of 62 degrees Fahrenheit if the lease provides a reduction in rent or other consideration for the lower heat.

Committee Amendment "A" (H-161)

This amendment replaces the bill. The amendment allows a landlord and tenant to agree for the landlord to provide heat at less than 68 degrees Fahrenheit but no lower than 62 degrees Fahrenheit if the agreement is in a separate written document, includes a provision for revocation with reasonable notice by either party and provides for a fair and reasonable reduction in rent. The amendment clarifies that a landlord and tenant may not enter into such an agreement if someone older than 65 years of age or younger than 5 years of age resides on the premises.

Enacted Law Summary

Public Law 2009, chapter 139 allows a landlord and tenant to agree for the landlord to provide heat at less than 68 degrees Fahrenheit but no lower than 62 degrees Fahrenheit if the agreement is in a separate written document, includes a provision for revocation with reasonable notice by either party and provides for a fair and reasonable reduction in rent. The law clarifies that a landlord and tenant may not enter into such an agreement if someone older than 65 years of age or younger than 5 years of age resides on the premises.

LD 498 An Act Regarding Alcoholic Beverage Tastings

PUBLIC 459

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE PLOWMAN	OTP-AM MAJ ONTP MIN	H-281 H-545 WEBSTER S-326 DIAMOND

Joint Standing Committee on Legal and Veterans Affairs

This bill proposes to allow limited taste testing of alcoholic beverages by holders of off-premises licenses, subject to approval and regulation by the Department of Public Safety. The bill allows a sales representative participating in a taste-testing event to provide written or oral educational materials and provide and distribute food at no cost to the consumer or licensee.

Committee Amendment "A" (H-281)

This amendment provides that certain off-premise retail licensees may offer malt liquor for tasting in addition to wine and spirits. Tastings are limited to one type of alcohol and may be held up to 3 times per month but no more than 12 times per year. The amendment also adds an appropriations and allocations section.

House Amendment "C" To Committee Amendment "A" (H-545)

This amendment requires that wine, spirits and malt liquor taste-tasting activities be conducted in a manner that will prevent observation by children. This amendment also requires that the Department of Public Safety report annually to the Legislature regarding the operation and effectiveness of this requirement.

Senate Amendment "A" To Committee Amendment "A" (S-326)

This amendment strikes the appropriations and allocations section and directs the Department of Public Safety to implement the legislation within its existing resources.

Enacted Law Summary

Public Law 2009, chapter 459 amends the current law regarding taste-testing of alcoholic beverages at off-premises retail establishments. In addition to the tasting wine, retailers may also offer malt-liquor and distilled spirits. The quantity of the product to be tasted is limited based on the type and proof of the alcohol. Tasting events must be set up as to preclude observation by children. As enacted, the number of annual tastings allowed by a retail establishment is 12 with no more than 3 in any one month.

LD 512 An Act to Facilitate Voting by Maine Residents in the Military Who Are Deployed Overseas

ONTP

Sponsor(s)

WILLETTE

Committee Report

ONTP

Amendments Adopted

This bill changes the time when the Secretary of State must furnish a municipality with a reasonable number of absentee ballots and return envelopes from at least 30 days to at least 60 days before any election.

LD 514 An Act To Clarify Criminal Responsibility in the Sale of Alcohol and Tobacco to Minors

ONTP

Sponsor(s)

EDGECOMB

Committee Report

ONTP

Amendments Adopted

This bill amends the law to specify that only the person who furnishes tobacco or liquor to a minor is criminally responsible for the act.