

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2009

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## 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 124<sup>th</sup> 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 124<sup>th</sup> 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*

This bill removes the provision in current law that limits the number of agency liquor stores that may be licensed in a municipality. It also provides for additional criteria that an applicant must meet in order to receive an agency liquor store license after July 1, 2009.

### **Committee Amendment "A" (S-263)**

This amendment replaces the bill. The amendment changes the current limitations on the number of agency liquor stores that may be licensed per municipality and increases how many may be licensed in some municipalities based on population. The maximum number of total agency liquor stores in any municipality would be 8. Applicants who are licensed under this new structure must be able to purchase \$10,000 worth of spirits initially with a bank check or other financial instrument that certifies that funds are available. This amendment also adds an appropriations and allocations section.

### **LD 694      An Act To Allow Limited Partnerships between Brewers and Wholesalers**

**ACCEPTED ONTP  
REPORT**

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

Under current law manufacturers of alcoholic beverages, also known as certificate of approval holders, are prohibited from having a financial interest in a wholesaler of alcoholic beverages. This bill allows manufacturers and wholesale licensees to form limited partnerships in which the manufacturer is the limited partner and the wholesaler is the general partner. The bill also provides a 10-year maximum term for any such limited partnership.

### **Committee Amendment "A" (S-152)**

This amendment adds further restrictions on limited partnerships between certificate of approval holders and wholesale licensees to specify that a certificate of approval holder may not have managerial control over the day-to-day operations of the wholesale licensee. It further provides that a certificate of approval holder may extend financing to a wholesale licensee but in the event of a default the certificate of approval holder may not control or operate the wholesale licensee for more than 180 days.

### **LD 704      An Act To Allow Property Owners To Terminate Residential Leases That Do Not Contain Termination Language**

**ONTP**

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

In *Rubin v. Josephson*, 478 A.2d 665 (Me. 1984), the Supreme Judicial Court held that, when a residential lease does not contain termination language, the landlord may not use the tenancy-at-will provisions of state law to terminate the lease. In response to that case, this bill allows a landlord, after providing notice and service, and with cause, to terminate a lease that does not contain termination, default or forfeiture language.