

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. NANCY B. SULLIVAN, CHAIR
SEN. SETH A. GOODALL
SEN. DEBRA D. PLOWMAN

REP. PAMELA JABAR TRINWARD, CHAIR
REP. JOHN L. TUTTLE, JR.
REP. LINDA M. VALENTINO
REP. MICHAEL E. CAREY
REP. ALEXANDER CORNELL DU HOUX
REP. DIANE RUSSELL
REP. STACEY ALLEN FITTS
REP. WRIGHT H. PINKHAM, SR.
REP. JOAN M. NASS
REP. MICHAEL G. BEAULIEU

STAFF:

DANIELLE D. FOX, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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

Committee Amendment "A" (H-181)

This amendment replaces the bill. The amendment permits breweries that have a license to sell alcoholic beverages for on-premises consumption to sell malt liquor produced at the brewery to patrons for off-premises consumption. The amendment places conditions on such sales, including the requirement that the malt liquor be dispensed into bottles unique to the brewery and that are closed with a tamper-evident seal. Such bottles are not permitted to be consumed on the premises, must be accompanied by a sales receipt and may not be sold after 10:00 PM.

Enacted Law Summary

Public Law 2009, chapter 167 permits breweries that have a license to sell alcoholic beverages for on-premises consumption to sell malt liquor produced at the brewery to patrons for off-premises consumption. It places conditions on such sales, including the requirement that the malt liquor be dispensed into bottles unique to the brewery and that are closed with a tamper-evident seal. Such bottles are not permitted to be consumed on the premises, must be accompanied by a sales receipt and may not be sold after 10:00 PM.

LD 921 An Act To Eliminate Maine Clean Election Act Funding for Gubernatorial Candidates

**DIED IN
CONCURRENCE**

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

This bill eliminates Maine Clean Election Act funding for gubernatorial candidates.

LD 923 Resolve, To Reduce Funding to Maine Clean Election Act Candidates

RESOLVE 128

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM	H-533 TRINWARD S-287

This resolve provides that the amount distributed to certified candidates by the Commission on Governmental Ethics and Election Practices pursuant to the Maine Clean Election Act during the 2010 election cycle must be 20% less than the amount distributed to certified candidates by the commission during the 2008 election cycle.

Committee Amendment "A" (S-287)

This amendment removes the requirement that Maine Clean Election Act distributions for 2010 be reduced by 20% and provides that 2010 distributions for certified legislative candidates be equal to the amounts distributed in 2008. The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-533)

This amendment provides that the Commission on Governmental Ethics and Election Practices shall make distributions to legislative candidates certified as participating candidates under the Maine Clean Election Act at 2008 levels and to gubernatorial candidates in accordance with the distributions provided by the Maine Revised

Joint Standing Committee on Legal and Veterans Affairs

Statutes, Title 21-A, chapter 14. The amendment also directs the commission to establish rules to implement a provision of the Maine Clean Election Act that permits certified candidates to accept contributions if the Maine Clean Election Fund is insufficient to make distributions. These rules are routine technical rules and are required to be posted on the commission's publicly accessible website. The amendment also requires the commission to report back to the Joint Standing Committee on Legal and Veterans Affairs on how the distributions provided by Title 21-A, chapter 14 are to be made.

Enacted Law Summary

Resolve 2009, chapter 128 requires the Commission on Governmental Ethics and Election Practices to make distributions to legislative candidates certified as participating candidates under the Maine Clean Election Act at 2008 levels and to gubernatorial candidates in accordance with the distributions provided by the Maine Revised Statutes, Title 21-A, chapter 14. The amendment also directs the commission to establish rules to implement a provision of the Maine Clean Election Act that permits certified candidates to accept contributions if the Maine Clean Election Fund is insufficient to make distributions. These rules are routine technical rules and are required to be posted on the commission's publicly accessible website. The amendment also requires the commission to report back to the Joint Standing Committee on Legal and Veterans Affairs on how the distributions provided by Title 21-A, chapter 14 are to be made.

**LD 924 An Act To Clarify the Taxability of Promotional Credits in the State
Gaming Laws**

**PUBLIC 266
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-205

This bill amends the Gambling Control Board laws to clarify that use of promotional credits awarded through a promotional program offered by a slot machine operator and approved by the Gambling Control Board are not included in the calculation of gross slot machine income and net slot machine income.

Committee Amendment "A" (S-205)

This amendment clarifies that promotional credits are not used in calculating payback percentage and that the winnings from promotional credits used to continue play of slot machines are considered gross slot machine income. It also adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2009, chapter 266 defines promotional credit and clarifies that promotional credits are not used in calculating payback percentage and that the winnings from promotional credits used to continue play of slot machines are considered gross slot machine income. This bill was enacted as an emergency measure effective June 3, 2009.

LD 943 An Act To Reduce Lung Cancer Rates in Maine

PUBLIC 278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J R PERRY J	OTP-AM	H-365