

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
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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 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

LD 983 An Act To Reduce the Risk of Hypothermia in Residential Rental Units

**LEAVE TO
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	LTW	

The purpose of this bill is to reduce the risk of serious illness caused by exposure to cold conditions by clarifying the obligation to provide heat to residential rental units. Current law provides that it is a breach of the implied warranty of fitness for human habitation when a dwelling unit's heating facilities are not capable of maintaining a minimum temperature of at least 68 degrees Fahrenheit. This bill provides instead that it is a breach of the implied warranty when the dwelling unit's heating facilities do not maintain that minimum temperature.

LD 989 An Act To Allow for a Dual Liquor License

PUBLIC 438

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM MAJ ONTP MIN	H-425 H-542 VALENTINO

This bill allows an establishment licensed to sell beer or wine for consumption off premises to also have a license for on-premises consumption of beer and wine as long as the beer or wine is served to accompany a meal.

Committee Amendment "A" (H-425)

Current law prohibits retail stores licensed to sell alcoholic beverages for consumption off the premises from allowing patrons to consume alcoholic beverages on the premises. This amendment establishes a dual liquor license for retail establishments that sell beer and wine to be consumed off the premises. The dual liquor license will allow certain off-premises licensees to serve beer and wine to be consumed on the premises. The licensee would be required to stock at least \$35,000 in beer and wine, provide table seating for at least 16 persons, have a full kitchen that prepares meals and has staff dedicated to accommodating customers purchasing items to be taken away from the store. Beer or wine could be served only when accompanied by a meal. A dual liquor license with a \$600 annual fee would be issued in addition to the off-premises license. The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-542)

This amendment requires an establishment that has a dual liquor license to have 2 restrooms for patrons and requires that employees who sell or serve wine be at least 21 years of age. It also changes the committee amendment so that only wine may be served for on-premises consumption.

Enacted Law Summary

Public Law 2009, chapter 438 authorizes the Department of Public Safety to issue a dual liquor license that would allow certain establishments licensed to sell wine for off-premises consumption to sell wine to be consumed on the premises. In order to qualify for a dual liquor license, the off-premise licensee must stock at least \$35,000 worth of wine, have a full kitchen to serve hot and cold meals, offer table-seating for at least 16, have 2 restrooms and must

Joint Standing Committee on Legal and Veterans Affairs

obtain municipal approval for a dual license. The holder of a dual liquor license must have at least 2 employees who are 21 years of age or older, one dedicated to off-premises sales and the other dedicated to on-premises service of wine. Wine served for on-premises consumption must accompany a meal and must be dispensed from a separate stock and can not be self-served by the customer. A dual liquor licensee may not serve wine for on-premises consumption later than 8:00 PM.

LD 990 An Act To Increase the Preservation Time for Municipal Campaign Finance Reports ONTP

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

This bill requires that a municipality with a population of 15,000 or more must retain campaign reports filed by candidates in municipal elections in that municipality for a period of not less than 12 years.

LD 1008 An Act To Increase Consumer Choice for Wine PUBLIC 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INNES	OTP-AM MAJ ONTP MIN	H-366 H-526 INNES

This bill establishes a license to allow for the direct shipment of wine. The license allows certain in-state and out-of-state wineries to ship up to 12 cases of wine annually to recipients who are 21 years of age or older. The direct shipper or 3rd-party carrier contracted by the shipper must be shown proof of age in order to make a delivery. Wine shipments must be conspicuously labeled that they contain alcohol and may be delivered only to a person 21 years of age or older. The bill requires that a direct shipper is required to pay all applicable taxes, including excise and premium taxes on wine. The bill establishes reporting requirements for direct shippers and lists specific penalties for specific violations of laws governing the direct shipment of wine.

Committee Amendment "A" (H-366)

This amendment strikes the provision in the bill that allows a farm winery to ship wine under its farm winery license and instead requires a farm winery to obtain a wine direct shipper license. The amendment increases the application and license fee from \$100 to \$200. The amendment clarifies that the wine shipment must be made to the person that is listed on the shipment invoice and that photo identification is required to verify the correct recipient and that the recipient is at least 21 years of age. It also requires a common carrier that ships wine to show proof of receipt by the purchaser by requiring a signed acknowledgement of the shipment. The amendment specifies that wine coolers are not permitted to be shipped under a wine direct shipper license. The amendment provides for greater detail in the reports submitted by direct shippers and provides that direct shippers are subject to the jurisdiction of the State for the purpose of enforcing direct shipment laws. The amendment strikes a provision that makes direct shipment without a license a violation of the Maine Unfair Trade Practices Act. It specifies that any person who knowingly causes a direct shipment to occur or receives a direct shipment when made without a license may be fined up to \$500 for a first offense and up to \$1,000 for each subsequent offense. It also provides for up to a \$5,000 fine for any direct shipper or common carrier who delivers to any person not 21 years of age or older. The amendment provides that wine shipped under a wine direct shipper license is not subject to the bottle deposit laws. The amendment requires the Department of Public Safety to administer the direct shipment of wine provisions within budgeted