

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

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

Joint Standing Committee on Legal and Veterans Affairs

resources.

House Amendment "A" To Committee Amendment "A" (H-526)

This amendment changes the requirements for delivery as proposed in Committee Amendment "A" in the following ways:

1. It removes the requirement that the common carrier be approved by the bureau in the Department of Public Safety responsible for enforcing the liquor laws;
2. It requires the shipment to be accompanied by a shipping label, instead of an invoice, that indicates the name of the shipper and the name and address of the recipient; and
3. It requires the common carrier to obtain the signature of a person who is at least 21 years of age, and photographic identification, prior to delivering the shipment. The committee amendment allowed the shipment to be delivered only to the recipient.

Enacted Law Summary

Public Law 2009, chapter 373 creates a direct shipper license to facilitate the shipment of wine into and out of the state directly to consumers. The law authorizes the Department of Public Safety to issue a direct shipper license to a farm winery in the state or other winery holding a federal basic wine permit. A direct shipper may only ship wine that they produce in accordance with their federal permit. All shipments must be clearly labeled that they contain alcohol and that they require the signature of a person at least 21 years of age. Shipments must be made by a common carrier that is required to ship only to the address listed on the invoice and must request photo identification to verify that the recipient of the delivery is at least 21 years of age. A direct shipper is permitted to ship up to 12 cases of wine per recipient address in a calendar year. A direct shipper must file detailed reports and submit required sales, premium and excise taxes. A direct shipper or common carrier that knowingly ships to someone under 21 years of age is subject to a fine up to \$5,000. Bottles shipped in accordance with a direct shipper license are not subject to the beverage container law.

LD 1016 An Act To Amend the Laws Governing Campaign Finance Reports and the Maine Clean Election Act

PUBLIC 190

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-136

Part A makes changes affecting campaign finance reports in the Maine Revised Statutes, Title 21-A, chapter 13. Specifically, Part A:

1. Clarifies that campaign finance reporting regarding ballot questions in towns and cities with a population of 15,000 or more is not governed by chapter 13, subchapter 2;
2. Removes the requirement that candidates must include their address in communications to voters such as signs and literature;
3. Eliminates a provision regulating candidates' use of endorsements, because the provision was invalidated by the Maine Supreme Judicial Court as unconstitutional;
4. Adjusts the filing deadline for campaign finance reports due on the 42nd day before a general election for legislative and county candidates so that the reports are due at 11:59 p.m. and clarifies that the reporting deadline