

# 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  
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 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***

**LD 1309     An Act To Clarify the Use of Instant Redeemable Coupons with Alcoholic Beverages**

**PUBLIC 145**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FITTS             | OTP-AM MAJ<br>ONTP MIN  | H-190                     |

This bill allows for spirits manufacturers to include instant redeemable coupons with spirits products listed for sale by the State Liquor and Lottery Commission. It also specifies that instant redeemable coupons and other promotions attached to or included in spirits products packages be attached or inserted by the manufacturer.

**Committee Amendment "A" (H-190)**

This amendment makes a technical correction to the bill and clarifies that coupons attached to spirits sold by reselling agents to on-premise retail licensees are for the benefit of the on-premise retail licensee.

**Enacted Law Summary**

Public Law 2009, chapter 145 allows for spirits manufacturers to include instant redeemable coupons with spirits products listed for sale by the State Liquor and Lottery Commission. It also specifies that instant redeemable coupons and other promotions attached to or included in spirits products packages be attached or inserted by the manufacturer.

**LD 1327     An Act To Update Department of Defense, Veterans and Emergency Management Laws**

**PUBLIC 406**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u>                 |
|---------------------|-------------------------|---|
| TRINWARD<br>PLOWMAN | OTP-AM                  | H-390<br>H-467 TRINWARD<br>H-567 TRINWARD |

This bill provides that any person subject to the Maine Code of Military Justice who behaves in a manner that is prejudicial to the good order and discipline of the military forces or that discredits the military forces must be punished as a court-martial may direct and that any such person who violates any state or federal criminal law must be punished as a court-martial may direct.

This bill also changes the title of the director of the Maine Veterans' Memorial Cemetery System to superintendent and the title of veteran advocate to veteran service officer. It requires schools that provide tuition assistance pursuant to the Maine Revised Statutes, Title 37-B, section 505, subsection 2 to provide the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services certain information so that the bureau may properly administer certain educational benefits. It clarifies Maine Veterans' Homes eligibility requirements.

This bill also authorizes the Commission to Protect the Lives and Health of Members of the Maine National Guard to act as a panel to review cases involving death or disability of members of the Maine National Guard. When the commission or a subcommittee of the commission acts as such a review panel, its proceedings and records are confidential and are not subject to subpoena, discovery or introduction in a civil or criminal action. Conclusions of the panel may be disclosed, but no confidential information may be released.

# Joint Standing Committee on Legal and Veterans Affairs

## Committee Amendment "A" (H-390)

This amendment strikes the section of the bill that stated that any person subject to the Maine Code of Military Justice who violates any state or federal criminal law must be punished as a court-martial may direct. The amendment also provides greater detail regarding a case review panel that is part of the Commission to Protect the Lives and Health of Members of the Maine National Guard. As amended, this bill was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to the laws governing public records.

## House Amendment "A" To Committee Amendment "A" (H-467)

This amendment makes clarifying changes to Committee Amendment "A" regarding confidential records of the Case Review Team of the Commission to Protect the Lives and Health of Members of the Maine National Guard.

## House Amendment "A" (H-567)

This amendment adds authorization for the Adjutant General to sell the Fort Kent and Gardiner armories and allows for a real-property exchange of the armory in Portland.

## Enacted Law Summary

Public Law 2009, chapter 406 amends the law to allow for the sale of the Fort Kent and Gardiner armories and allows for the sale of all or a portion of the armory in located Bath. It also allows for the transfer of property with regard to the armory located in Portland. The law also specifies that any person subject to the Code of Military Justice in accordance with Title 37-B who behaves in a manner that is prejudicial to the good order and discipline of the military forces must be punished as a court-martial may direct. The law requires a school that provides tuition assistance to veterans, their spouse or dependants to provide certain information such as enrollment verification, grade point average and transcripts so the Bureau of Veterans Services may properly administer those educational benefits. The law also establishes a case review team within the Commission to Protect the Lives and Health of Members of the Maine National Guard.

## LD 1328 RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot

LEAVE TO WITHDRAW

Sponsor(s)

ADAMS

Committee Report

LTW

Amendments Adopted

This resolution proposes to amend the Constitution of Maine to require the Legislature to authorize a process to allow a qualified voter to vote at a polling place in or outside of the voter's election district during the 21-day period immediately preceding an election. It also changes an allowable reason for absentee voting from absence or physical incapacity to any reason deemed sufficient.