

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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from the fund.

**Committee Amendment "A" (H-120)**

This amendment strikes a reference to the United States Code regarding the requirement that a person appointed Adjutant General or assistant adjutant general meet the criteria for federal recognition as a General Officer. The amendment states that the appointee must meet the criteria for federal recognition as a General Officer for either the United States Army National Guard or the United States Air National Guard. It also authorizes the Adjutant General to establish a National Guard Youth Challenge Program.

**Enacted Law Summary**

Public Law 2011, chapter 112 changes existing statute which states that the Adjutant General and assistant adjutant general must have attained the federally recognized rank of Colonel in the Maine National Guard. Chapter 112 states that the appointee must meet the criteria for federal recognition as a General Officer for either the United States Army National Guard or the United States Air National Guard. In addition, this law designates the Maine Municipal Bond Bank as a potential administrative partner in the Dam Repair and Reconstruction Fund in place of the Finance Authority of Maine. It also aligns the definition of "municipality" in the laws governing the fund with the definition set out under the Maine Municipal Bond Bank authorizing statutes, and explicitly allows quasi-municipal corporations and districts to apply for loans from the fund. Finally, this law authorizes the Adjutant General to establish a National Guard Youth Challenge Program.

**LD 643**

**An Act To Protect Public Safety in the Operation of Casinos**

**HELD BY  
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	H-547 S-368 ROSEN R

This bill is a concept draft pursuant to Joint Rule 208. It proposes to amend the laws governing the oversight of the casino eligible to be licensed in Oxford County that are determined to be incomplete or inconsistent with existing laws and rules in other states that authorize the operation of casino gambling.

**Committee Amendment "A" (H-547)**

This amendment replaces the bill, which was a concept draft. The amendment includes an emergency preamble and clause. The amendment requires the Department of Public Safety, Gambling Control Board to adopt emergency major substantive rules governing the oversight of the operation of table games at a casino. The rules must ensure that bets on table games are not made with cash and that the exchange of cash for chips, tokens or other items of value is done in a manner that can provide a thorough audit. The amendment requires the board to report on the process for developing rules that govern the rules of play for table games. The amendment changes current law to provide that license and application fees collected by the board go to a dedicated account for the administration of the board rather than to the General Fund.

**Senate Amendment "A" To Committee Amendment "A" (S-368)**

Committee Amendment "A" requires fees collected from slot machine operators and casinos to be deposited in the Administrative Expenses Other Special Revenue Funds account within the Department of Public Safety, Gambling Control Board instead of in the General Fund. This amendment exempts the fees associated with a casino located in Oxford County and a slot machine facility licensed as such as of January 1, 2011 from that requirement for fiscal years 2011-12 and 2012-13 only and requires those fees from that casino and that slot machine facility to be

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deposited in the General Fund.

**LD 649      An Act To Establish a Special Food and Beverage Industry Taste-testing Event License**

**PUBLIC 259  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS PLOWMAN	OTP-AM	H-393

This bill amends existing law regarding special taste-testing festivals to include wine manufacturers. It specifies that a festival may be held in conjunction with a trade show, food festival or tourism exposition. It further specifies that a representative of a beer or wine manufacturer or wholesaler is authorized to pour samples at the taste-testing festival.

**Committee Amendment "A" (H-393)**

This amendment replaces the bill except for the emergency preamble and emergency clause. The amendment establishes a special food and beverage industry taste-testing event license for manufacturers and wholesalers of alcoholic beverages who are participants in an event designed to promote the food and beverage or hospitality industry. Under current law, only a caterer or other person licensed to sell alcoholic beverages for on-premises consumption may sell or serve samples of alcoholic beverages at such an event. This license permits a manufacturer, wholesaler or a manufacturer's sales representatives to serve alcoholic beverages. The amendment also provides a specific exception that permits a caterer to serve wine that is not registered with the State at a special food and beverage industry taste-testing event in order to promote that wine for distribution and sale in the State.

**Enacted Law Summary**

Public Law 2011, chapter 259 establishes a special food and beverage industry taste-testing event license for manufacturers and wholesalers of alcoholic beverages who are participants in an event designed to promote the food and beverage or hospitality industry. Under existing law, only a caterer or other person licensed to sell alcoholic beverages for on-premises consumption may sell or serve samples of alcoholic beverages at such an event. This license permits a manufacturer, wholesaler or a manufacturer's sales representatives to serve alcoholic beverages. The law also provides a specific exception that permits a caterer to serve wine that is not registered with the State at a special food and beverage industry taste-testing event in order to promote that wine for distribution and sale in the State.

Public Law 2011, chapter 259 was enacted as an emergency measure effective June 8, 2011.

**LD 657      An Act To Permit Disposal of Abandoned Manufactured Housing**

**PUBLIC 127  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT HASTINGS	OTP-AM	H-183

This bill provides landlords a process for the disposal of abandoned manufactured housing. This process is based on the provisions of the Maine Revised Statutes, Title 33, section 1954, former subsection 2, which governed the disposal of tangible property in general by a landlord, until it was repealed by the Second Regular Session of the 124th Legislature.