

# MAINE STATE LEGISLATURE

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



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

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

June 2012

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# STATE OF MAINE

125<sup>TH</sup> LEGISLATURE  
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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 Second 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.

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

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125<sup>th</sup> Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 896 An Act To Adopt the Uniform Military and Overseas Voters Act**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208 and was carried over from the First Regular Session of the 125th Legislature. This bill proposes the adoption in this State of the Uniform Military and Overseas Voters Act approved and recommended by the National Conference of Commissioners on Uniform State Laws and the incorporation of the provisions of the uniform act into the State's election laws.

**LD 905 An Act Regarding the Distribution and Sale of Spirits**

**PUBLIC 693**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-915 S-597 ROSEN R

This bill is a concept draft pursuant to Joint Rule 208 and was carried over from the First Regular Session of the 125th Legislature. This bill proposes to adopt certain of the recommendations contained in the report entitled "State of Maine Liquor Business Analysis and Valuation - Final Report," prepared by DeLoitte & Touche for the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and dated March 11, 2009.

**Committee Amendment "A" (H-915)**

This amendment replaces the bill, which was a concept draft. The amendment authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to adopt rules to create a program of sales incentives for agency liquor stores and rules to help facilitate the sale of slow-moving spirits products at agency liquor stores. The amendment also allows the Department of Public Safety's division of liquor licensing and enforcement to seek suspension or revocation of an on-premises license if the licensee violates the law that requires that all spirits be purchased from an agency liquor store or if the licensee reuses or refills liquor bottles in violation of state rules or federal regulations.

This amendment also requires the Department of Public Safety to contract for an auditor for the purpose of enforcing the law requiring on-premises licensees to purchase spirits from licensed reselling agents in the State. The amendment adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-597)**

This amendment strikes and replaces the appropriations and allocations section and a related unallocated section with a new appropriations and allocations section.

**Enacted Law Summary**

Public Law 2011, chapter 693 authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to adopt rules to create a program of sales incentives for agency liquor

***Joint Standing Committee on Veterans and Legal Affairs***

stores and rules to help facilitate the sale of slow-moving spirits products at agency liquor stores. The law also allows the Department of Public Safety's division of liquor licensing and enforcement to seek suspension or revocation of an on-premises license if the licensee violates the law that requires that all spirits be purchased from an agency liquor store or if the licensee reuses or refills liquor bottles in violation of state rules or federal regulations. Chapter 693 also requires the Department of Public Safety to contract for an auditor for the purpose of enforcing the law requiring on-premises licensees to purchase spirits from licensed reselling agents in the State.

**LD 1150 An Act To Improve the Administration of the Legislative Ethics Laws**

**PUBLIC 471**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNHAM	OTP	

This bill was carried over from the First Regular Session of the 125th Legislature. It allows the Commission on Governmental Ethics and Election Practices to investigate a possible violation of legislative ethics upon its own motion. The bill requires the commission to allow a Legislator the opportunity to answer a complaint in writing and in person before the commission decides to conduct an investigation. The bill allows the commission to commence an investigation on information it receives other than through a complaint filed against a Legislator. The bill fixes cross-references.

**Enacted Law Summary**

Public Law 2011, chapter 471 allows the Commission on Governmental Ethics and Election Practices to investigate a possible violation of legislative ethics upon its own motion. The law requires the commission to allow a Legislator the opportunity to answer a complaint in writing and in person before the commission decides to conduct an investigation. Chapter 471 allows the commission to commence an investigation on information it receives other than through a complaint filed against a Legislator.

**LD 1262 An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws**

**MAJORITY  
(ONTP) REPORT**

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

This bill was carried over from the First Regular Session of the 125th Legislature. It sets the basic penalties for filing a late report by a party committee and a political action committee to 5% of the committee's total contributions or expenditures for the relevant filing period multiplied by the number of calendar days late for a first violation, 10% for a second violation and 15% for a third and subsequent violation. The bill also changes the law setting out the maximum penalties to provide for a \$100,000 penalty for late reports required under the Maine Revised Statutes, Title 21-A, section 1019-B, subsection 3 and Title 21-A, sections 1056-B and 1059; a \$100,000 penalty for late state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E; a \$5,000 penalty for reports required under Title 21-A, section 1017, subsection 2, paragraph A; and a \$1,000 penalty for late reports by municipal, district and county committees required under Title 21-A, section 1017-A, subsection 4-B. The bill eliminates the cap on the penalty for reports required under Title 21-A, section 1017, subsection 3-A, paragraph A. The bill also allows the Commission on Governmental Ethics and Election Practices to assess a fine up to \$100,000 for a violation of the reporting requirements of Title 21-A, sections 1017 and 1019-B if it determines that the failure