

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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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COLLEEN MCCARTHY REID, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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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 125th 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 125th 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.

Joint Standing Committee on Veterans and Legal Affairs

LD 1203 An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County ENACTMENT FAILED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP MAJ OTP-AM MIN	H-400

This initiated bill allows the Gambling Control Board within the Department of Public Safety to accept applications for a license to operate slot machines from any person who is licensed to operate a commercial track located at or within a 25-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 or from any person who is licensed to operate a commercial track that is owned and operated by one or more federally recognized Indian tribes located in this State if the operation of these slot machines is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum held before December 31, 2013. Current law requires the commercial track to be located at or within a five-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 and requires the referendum to have been held before December 31, 2003. The initiated bill changes the definition of "commercial track" to include a harness horse racing track licensed to conduct harness horse racing with pari-mutuel wagering that is owned and operated by one or more federally recognized Indian tribes located in this State, is located more than 90 miles from the nearest existing commercial track that operates slot machines, is within 45 miles of the operating tribe's Indian reservation and conducts racing on more than 25 days each calendar year after having been granted a license to conduct harness horse racing. The initiated bill provides that a license to operate slot machines at a commercial track may not be denied on the basis of the proximity of the commercial track to any other gambling facility if the commercial track was licensed and operating before the other gambling facility was licensed, unless the commercial track proposes to relocate or has relocated closer to the other gambling facility after the other facility was licensed and operating. The initiated bill permits the Gambling Control Board to allow an additional 1,500 slot machines to be registered for each commercial track at which slot machines were not operated prior to January 1, 2010 and at which the operation of slot machines is licensed after January 1, 2010. Current law limits the total number of slot machines registered in the State to 1,500.

Committee Amendment "A" (H-400)

This amendment incorporates a fiscal note.

LD 1228 An Act To Streamline the Liquor Licensing Reporting Procedure PUBLIC 147

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN	OTP-AM	H-137

This bill simplifies the process for reporting and payment of taxes on malt liquor and wine by requiring reports and payments for liquor excise taxes to be made at the same time as sales tax and permits a distiller that is an in-state manufacturer with a retail license to pay the alcohol bureau based upon the difference between the retail price of the manufacturer's product and the price that the alcohol bureau pays the manufacturer for the product rather than requiring the manufacturer to deliver the product to the state warehouse and purchase it back for

Joint Standing Committee on Veterans and Legal Affairs

retail sale.

Committee Amendment "A" (H-137)

This amendment strikes the provision of the bill that provided an exception to the procedure for the distribution of spirits for an in-state manufacturer with a small distillery off-premises retail license.

Enacted Law Summary

Public Law 2011, chapter 147 changes the process for reporting and payment of taxes on malt liquor and wine by requiring reports and payments for liquor excise taxes to be made at the same time as sales tax.

LD 1245 An Act To Modify the Responsibilities of the Commission on ONTP
Governmental Ethics and Election Practices

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

This bill requires the Commission on Governmental Ethics and Election Practices to issue an advisory opinion at the request of a person with duties under the governmental ethics laws.

LD 1254 Resolve, Directing the Executive Director of the Commission on RESOLVE 87
Governmental Ethics and Election Practices To Review the Law
Governing Push Polling

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP-AM	S-233

This bill amends the laws restricting push polling by:

1. Exempting an organization that collects or tabulates significant survey results, as determined by the Commission on Governmental Ethics and Election Practices; and
2. Increasing the fine that may be imposed for a violation of push polling requirements or failing to register as a person conducting push polling from \$500 to an amount up to \$10,000, which gives the commission some discretion when imposing a fine.

Committee Amendment "A" (S-233)

This amendment replaces the bill with a resolve directing the executive director of the Commission on Governmental Ethics and Election Practices to review the laws governing push polling and submit a report to the Joint Standing Committee on Veterans and Legal Affairs.

Enacted Law Summary

Resolve 2011, chapter 87 directs the executive director of the Commission on Governmental Ethics and Election Practices to review the laws governing push polling and submit a report no later than February 1, 2012 to the Joint Standing Committee on Veterans and Legal Affairs.