

# 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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STATE OF MAINE  
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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.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 1265 An Act To Allow the Unclaimed Remains of a Veteran To Have Proper Burial**

**PUBLIC 318**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FARNHAM           | OTP-AM                  | S-231                     |

This bill allows a funeral director or other authorized person to determine the veteran status of cremated remains left in the possession of the funeral director or other authorized person for over 120 days and, if the remains are those of a veteran, to relinquish control of or dispose of the remains to a veterans' service organization to be finally disposed of in a national cemetery or other cemetery that memorializes or recognizes the graves of veterans.

**Committee Amendment "A" (S-231)**

This amendment increases the time period in the bill after which a funeral director may dispose of or relinquish possession of a veteran's cremated remains from 120 days to one year.

**Enacted Law Summary**

Public Law 2011, chapter 318 allows a funeral director or other authorized person to determine the veteran status of cremated remains left for over one year in the possession of the funeral director or other authorized person and, if the remains are those of a veteran, to relinquish control of or dispose of the remains to a veterans' service organization to be finally disposed of in a national cemetery or other cemetery that memorializes or recognizes the graves of veterans.

**LD 1277 An Act To Exempt Contributions for the Retirement of Old Campaign Debt from Contribution Limits**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CHIPMAN           | ONTP                    |                           |

This bill provides an exception to the law that limits campaign contributions. It provides that contributions may exceed the limit if their purpose is to retire campaign debt that is at least six years old. In order to accept these contributions in excess of the limit, the former candidate may not be serving in office or be a candidate for office.

**LD 1300 An Act To Create a Consolidated Liquor License and Amend the Laws Governing Agency Liquor Stores**

**PUBLIC 460**

| <u>Sponsor(s)</u> | <u>Committee Report</u>  | <u>Amendments Adopted</u> |
|-------------------|--------------------------|---------------------------|
| CRAVEN            | OTP-AM MAJ<br>OTP-AM MIN | S-226                     |

Current law limits the number of agency liquor stores that sell spirits based on the population of a municipality. This bill removes those limits. The bill provides that beginning January 1, 2012 a municipality may establish a limit for agency liquor stores through action of the governing body or a popular referendum. The bill also provides for a

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

combined license for agency liquor stores that also sell beer and wine. Under current law an agency liquor store must obtain separate licenses to sell beer and wine. Finally, this bill dedicates 10% of that combined license fee to the Department of Health and Human Services, Office of Substance Abuse for underage drinking prevention.

**Committee Amendment "A" (S-226)**

This amendment strikes the sections of the bill that remove limits on the number of agency liquor stores established under state law and allow municipalities to set a limit on the number of agency liquor stores. The amendment provides that an applicant for an agency liquor store license that is a branch of a chain retailer that has held agency liquor store licenses without violation is not subject to the requirement that the applicant be licensed to sell beer and wine for one year prior to being eligible for an agency liquor store license. The amendment reduces the fee for the Class VIII license established by the bill from \$900 to \$775 and provides that the fee may be prorated. Finally, the amendment changes the amount that is credited to the Department of Health and Human Services, Office of Substance Abuse from 10% of the Class VIII license fees to \$75 from each Class VIII license fee. The amendment also adds an appropriations and allocations section.

**Committee Amendment "B" (S-227)**

This amendment strikes the sections of the bill that remove limits on the number of agency liquor stores established under state law and allow municipalities to set a limit on the number of agency liquor stores. The amendment provides that an applicant for an agency liquor store license that is a branch of a chain retailer that has held agency liquor store licenses without violation is not subject to the requirement that the applicant be licensed to sell beer and wine for one year prior to being eligible for an agency liquor store license. The amendment reduces the fee for the Class VIII license established by the bill from \$900 to \$700 and provides that the fee may be prorated. This amendment was not adopted.

**Enacted Law Summary**

Public Law 2011, chapter 460 establishes a consolidated license for an agency liquor store that includes the license for off-premise sales of beer and wine. The fee for this license, called a Class VIII license, is \$700 and may be prorated. This fee does not include the initial \$2,000 fee required of an agency liquor store. This law also provides that an applicant for an agency liquor store license that is a branch of a chain retailer that has held agency liquor store licenses without violation is not subject to the requirement that the applicant be licensed to sell beer and wine for one year prior to being eligible for an agency liquor store license.

**LD 1305      An Act To Limit the Use of the National Guard to Situations Specifically Authorized by the United States Constitution      MAJORITY (ONTP) REPORT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| LIBBY<br>BARTLETT | ONTP MAJ<br>OTP MIN     |                           |

This bill requires the Governor to withhold or withdraw approval of the transfer of the Maine National Guard to federal control in the absence of an explicit authorization in pursuance of the powers delegated to the Federal Government in the United States Constitution, Article I, Section 8.