

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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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 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

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 BARTLETT	ONTP MAJ 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.