

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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

125TH LEGISLATURE
SECOND REGULAR SESSION



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 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.

<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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 125th 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

This amendment amends the definition of "outdoor stadium" in the liquor laws to clarify that the number of seats in the stadium are fixed seats. It strikes the section of the bill that requires that master files be established for all applicants. It clarifies that donations of liquor to public broadcasting stations or incorporated civic organizations with liquor licenses are permitted by small manufacturers of wine, beer and spirits. The amendment strikes the increases proposed in the bill of the amount of wine and spirits samples that may be given to a retail licensee by a small manufacturer, wholesaler or sales representative. The amendment also makes several nonsubstantive changes to language in the bill to correct errors in the bill and for the purpose of clarity.

Enacted Law Summary

Public Law 2011, chapter 629 makes several changes to the laws governing alcoholic beverages. It consolidates the laws governing manufacturing licenses issued in the state and provides that equal privileges are granted to small manufacturers regardless of the type of alcohol produced, when feasible, such as extending the ability to sell at farmers' markets, malt beverages produced by small breweries. Under existing law, the privilege to sell at a farmers' markets was only extended to small wineries. The law makes similar changes to provide that larger manufacturers have similar privileges among each other regardless of the type of alcohol produced. Chapter 629 makes changes to definitions within the alcohol beverage laws, including the definition of low alcohol spirits product, by increasing the percentage of alcohol by volume from 6% to 8%. The law clarifies how alcoholic beverages may be donated to public broadcasting stations for auction and to charitable organizations for auction or for service at an event held by a charitable organization with a liquor license. Public Law 2011, chapter 629 also makes clarifying changes to the laws governing tastings for retailers who will purchase beer, wine or spirits for sale at their licensed retail establishments.

LD 1897

An Act Regarding the Issuance of Licenses by the Gambling Control Board and To Establish a Competitive Bidding Process for Future Operation of Slot Machines and Table Games in the State

PUBLIC 699

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU FARNHAM	OTP-AM MAJ ONTP MIN	H-919 H-942 WILLETTE M S-562 FARNHAM

This bill provides that, after September 1, 2012, the Department of Public Safety, Gambling Control Board may not accept an application for an initial license to operate a slot machine facility, casino or any other gambling facility for which the board has licensing authority where slot machines or table games may be operated unless the applicant has been selected by a process of competitive bidding. Upon notification from the board of the enactment of legislation authorizing the board to issue a license for the operation of a slot machine facility, casino or gambling facility, the Commissioner of Administrative and Financial Services is authorized to award the right to submit an application to the board using a competitive bid process that includes a number of requirements specified in the bill. By March 15, 2013, the commissioner is required to submit to the joint standing committee of the Legislature having jurisdiction over casino matters a draft of a request for proposals that would be issued based on the parameters established by the bill if a license for a slot machine facility, casino or other gambling facility under the licensing authority of the board became available.

Committee Amendment "A" (H-919)

This amendment replaces the bill. It prohibits the Department of Public Safety, Gambling Control Board from accepting applications or issuing licenses to operate a slot machine facility or a casino beginning September 1, 2012. It establishes the Commission To Develop a Competitive Bidding Process for the Operation of Additional Casinos or

Joint Standing Committee on Veterans and Legal Affairs

Slot Machine Facilities, which is made up of Legislators and stakeholders, to consider the economic impacts of existing casinos and the development of new casinos and directs the commission to develop recommendations for a competitive bidding process for slot machine facilities and casinos that may be authorized in the future. It establishes a nonrefundable application privilege fee of \$250,000 for any future slot machine facility or casino operator license and sets a minimum license fee, or cash bid if a competitive bidding process is established, of \$5,000,000.

House Amendment "B" To Committee Amendment "A" (H-942)

This amendment adds a representative of agricultural fairs and a representative of the hospitality industry to the Commission To Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machine Facilities.

This amendment allows the commission to recommend a minimum cash bid or license fee in an amount other than \$5,000,000 when a deviation from the \$5,000,000 amount is warranted based on the geography or demographics of the location of a proposed slot machine facility or casino or the size of the proposed slot machine facility or casino. This amendment allows the joint standing committee of the Legislature having jurisdiction over casino matters to report out legislation, rather than a bill as proposed in Committee Amendment "A," to the Second Regular Session of the 126th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-562)

The committee amendment prohibits the Gambling Control Board from accepting applications to operate a slot machine facility beginning September 1, 2012. This amendment provides that this prohibition does not apply to an application from a federally recognized Indian tribe that is expressly authorized by law to operate slot machines in Washington County.

Enacted Law Summary

Public Law 2011, chapter 699 prohibits the Department of Public Safety, Gambling Control Board from accepting applications or issuing licenses to operate a slot machine facility or a casino beginning September 1, 2012, unless that application is by a federally recognized Indian Tribe who operates high-stakes beano at a facility in Washington County which has been expressly authorized by law to operate slot machines at that gaming facility. It establishes a nonrefundable application privilege fee of \$250,000 for any future slot machine facility or casino operator license and sets a minimum license fee, or cash bid if a competitive bidding process is established, of \$5,000,000. The cash bid could be subject to a reduction if the geography, demographics and size of a proposed facility warrant such a reduction. Chapter 699 establishes the Commission To Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machine Facilities, which is made up of Legislators and stakeholders, to consider the economic impacts of existing casinos and the development of new casinos and directs the commission to develop recommendations for a competitive bidding process for slot machine facilities and casinos that may be authorized in the future. The commission is required to submit a report to the Joint Standing Committee of the Legislature having jurisdiction over casino gambling by February 2014. The committee may submit legislation to the 126th Legislature based on the commission's report.

LD 1906 Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

**RESOLVE 158
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP