

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2013

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STATE OF MAINE

126TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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 635 **Resolve, Authorizing the Estate of Mitchell A. Kessler To Bring Suit
against the Department of Health and Human Services**

**LEAVE TO
WITHDRAW**

Sponsor(s)

BOYLE

Committee Report

Amendments Adopted

This resolve authorizes the estate of Mitchell A. Kessler to bring suit against the Department of Health and Human Services for damages in connection with actions taken by the Riverview Psychiatric Center and constitutes a waiver of the State's defense of sovereign immunity. The resolve provides that the maximum amount of any recovery is \$400,000, pursuant to the limits of the Maine Tort Claims Act.

LD 644 **An Act To Strengthen the State's Wholesale Liquor Business**

INDEF PP

Sponsor(s)

GOODALL

Committee Report

Amendments Adopted

This bill requires the State to continue the privatization of its wholesale liquor operations beyond the current contract, set to expire on June 30, 2014. This bill establishes new criteria a successful bidder must meet, including financial and technical capacity and capability, knowledge of the industry, historical performance, warehousing and delivery capacity and capability and the ability to preserve and enhance the value of the State's wholesale liquor business and maximize the financial return for the State.

This bill allows a bidder to choose between an initial payment of either \$200,000,000 or \$20,000,000 and to specify the amount of the guaranteed fixed annual payment, the formula for sharing revenue with the State during the life of the contract and the minimum profit margin the entity would need to be guaranteed to make its bid feasible. The maximum length of a contract is 10 years. This bill requires a nonrefundable application fee of \$25,000, which is used to defray the cost of reviewing and awarding the contract and requires appropriate financial assurances guaranteeing the availability of the funds. The bill repeals the section of law specifying the allocation of contract payments.

The bill allows the Commissioner of Administrative and Financial Services to extend the current wholesale liquor operations contract for one year if, following a public hearing, the commissioner determines that a new contract cannot be bid or ratified before the current contract expires or that inadequate bids have been received; a minimum payment of not less than \$34,000,000 to extend the contract for one year must be made.

The bill specifies a number of operational measures, including:

1. Specifying the minimum discount that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations or a person awarded the contract to operate the State's wholesale liquor business must provide to an agency liquor store, based on the retail price of the product; and
2. Requiring a wholesale liquor provider to comply with federal regulations regarding returned or damaged product.