

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2014

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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

they are materially relevant to a final commission determination or other decision by the commission concerning an audit, investigation or other enforcement matter.

LD 1713 An Act To Permit the Sharing of Revenue from the Sale of Alcoholic Beverages at Sporting Events

**PUBLIC 446
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-377

This bill creates an exception to the law that prohibits a liquor license from being sold, assigned or subject to the control of a person other than the licensee. The bill allows a civic auditorium that holds a liquor license and serves as the designated host facility for a professional sports team to enter into an agreement to share the proceeds from the sale of alcoholic beverages sold in conjunction with the professional team's sporting events. In order to qualify for this exception, the civic auditorium must have the capacity to seat at least 3,000 people.

Committee Amendment "A" (S-377)

This amendment adds an emergency preamble and emergency clause to the bill and strikes the requirement that a professional sports team must play at least 15 calendar days at a host facility in order to share revenue from liquor sales with the host facility. The amendment also provides that the revenue-sharing exception applies to any licensee that has the capacity to seat at least 3,000 people and hosts a professional sports team, not just licensed civic auditoriums. The amendment also requires that the licensee disclose not only the existence of an agreement with the sports team but also the terms of the revenue-sharing agreement when applying for a liquor license.

Enacted Law Summary

Public Law 2013, chapter 446 establishes an exception to a provision in current law that prohibits a liquor license from being sold, assigned or subject to the control of a person other than the licensee. Chapter 446 provides that a licensee whose establishment has the capacity to seat at least 3,000 people and is the designated host facility for a professional sports team, may enter into an agreement to share revenues from the sale of alcoholic beverages with the professional sports team. The revenues to be shared are limited to those generated by sales of alcoholic beverages at sporting events conducted by the professional sports team. In order to share revenues, the professional sports team must conduct at least 75% of its sporting events as the home team in competition at the licensed facility. Revenue sharing agreements are required to be disclosed to the Bureau of Alcoholic Beverages and Lottery Operations.

Public Law 2013, chapter 446 was enacted as an emergency measure effective February 18, 2014.

LD 1763 An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits

**PUBLIC 504
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI PATRICK	OTP-AM	H-685

Current law prohibits a person licensed to manufacture, sell or distribute alcoholic beverages from publishing in any form an advertisement of malt liquor that refers in any manner to the alcohol content of the malt liquor manufactured, sold or distributed by that licensee, including through the use of phrases such as "full strength," "extra strength" or "prewar strength." The inclusion of the alcohol content on the product label is permitted. This bill prohibits the use of images as well as phrases that may be considered as statements of high alcohol content but permits the advertisement of alcohol content with respect to malt liquor, wine and spirits as long as it is expressed as a percentage of alcohol by volume.

Joint Standing Committee on Veterans and Legal Affairs

Committee Amendment "A" (H-685)

This amendment strikes the provision in the bill that prohibits a liquor licensee from displaying images or phrases that are likely to be considered statements of high alcohol content, such as "full strength," "high test" or "extra strength." It retains the provision in the bill that ensures a licensee may display the alcohol content of malt liquor, wine or spirits when it is expressed as a percentage of alcohol by volume. Current law prohibits a licensee from posting any advertisement that includes the alcohol content of malt liquor, expressed in any manner. The amendment maintains the section in the bill that repeals this prohibition.

Enacted Law Summary

Public Law 2013, chapter 504 repeals a law that prohibits a licensee from posting any advertisement that includes the alcohol content of malt liquor expressed in any manner. Chapter 504, instead, provides that a licensee may display the alcohol content of malt liquor, wine or spirits when it is expressed as a percentage of alcohol by volume.

Public Law 2013, chapter 504 was enacted as an emergency measure effective April 3, 2014.

LD 1775 **An Act To Assist Military Service Members with Access to the Federal Uniformed Services Employment and Reemployment Rights Act of 1994** ONTP

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

This bill directs the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to establish a website that provides information to military service members about the federal Uniformed Services Employment and Reemployment Rights Act of 1994. The bill also requires the Director of the Bureau of Maine Veterans' Services to inform military service members about the website prior to and upon return from their deployment.

LD 1783 **An Act To Expand Consumer Choice for Wine** **Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON KATZ	OTP-AM ONTP	

This bill allows a person who is not a retailer or wholesaler licensed to sell wine or malt liquor in the State to auction fine and rare wines from a private collection to private collectors, retailers and wholesalers under certain conditions.

Committee Amendment "A" (H-809)

This amendment, which was not adopted, replaces the bill. The amendment establishes a license for a person to conduct wine auctions. Wine sold at auction by a wine auction licensee must be wine that was acquired from a private collection and not from anyone licensed to produce or to sell or distribute wine at retail or wholesale. A wine auction license allows for up to 12 auctions per year. Wines sold at auction may be purchased by registered bidders, including persons licensed to sell wine for off-premises or on-premises consumption. An auction licensee must pay all required sales and excise taxes. If a licensee fails to pay taxes within a prescribed period of time, the license may be suspended or revoked.