

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



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 Second Regular Session of the 127th 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. An appendix provides a summary of relevant session statistics.

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 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 127th Legislature is July 29, 2016. 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

and instead provide that \$400,000 in compensation to Susan Cloutier and members of her family is to be paid from the State's Risk Management Fund.

Enacted Law Summary

Resolve 2015, chapter 84 authorizes a one-time payment of \$400,000 from the State's Risk Management Fund in fiscal year 2016-17, contingent upon receiving releases from claims, to compensate Susan Cloutier and her family for damages resulting from the death of her son and husband in a motor vehicle accident involving a state employee in the Department of Labor. This payment is in addition to settlement funds paid or to be paid through the State's self-insurance fund administered by the Department of Administrative and Financial Services, Bureau of General Services.

LD 1673

An Act To Establish a Presidential Primary System in Maine

PUBLIC 474

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND J PARRY W	OTP-AM ONTP	S-511

This bill amends the presidential nomination process in the State to be in place for the 2020 presidential election. The bill provides that, whenever the state committee of a party certifies that there is a contest among candidates for nomination as the presidential candidate of the party and that the committee has voted to conduct a presidential primary election, the State shall hold a presidential primary election. Under the bill, only voters who are enrolled in the party may vote in that party's presidential primary election. Under the bill, delegates to the national convention must be allocated in proportion with the candidate votes and the uncommitted votes cast in the presidential primary election of the party.

Committee Amendment "A" (S-511)

This amendment replaces the bill. Like the bill, the amendment establishes a presidential primary and requires a person seeking to be a presidential candidate to submit a nominating petition with the signatures of 2,000 to 3,000 registered voters in the State who are enrolled in the candidate's political party. The amendment provides that the Secretary of State must set the date of the primary for a Tuesday in March of a presidential election year after consulting with state party committees. The amendment directs the Secretary of State to make nominating petitions available and prepare the ballots for the presidential primary. The amendment also includes a provision that will repeal the subchapter establishing the presidential primary on December 1, 2018.

The amendment directs the Secretary of State to submit a report by December 2017 to the joint standing committee of the Legislature having jurisdiction over elections matters regarding the fiscal impacts on the State and municipalities of conducting presidential primaries. It also directs the Secretary of State to include in the report recommendations regarding the administration of presidential primaries, including any implementing legislation. These recommendations must specify the content and layout of presidential primary ballots, ensure compliance with federal law governing overseas voters and include other recommendations necessary for proper administration of a presidential primary. The joint standing committee of the Legislature having jurisdiction over elections matters may submit a bill regarding presidential primaries to the Second Regular Session of the 128th Legislature.

Enacted Law Summary

Public Law 2015, chapter 474, establishes a presidential primary and requires a person seeking to be a presidential candidate to submit a nominating petition with the signatures of 2,000 to 3,000 registered voters in the State who are enrolled in the candidate's political party. It provides that the Secretary of State must set the date of the primary for a Tuesday in March of a presidential election year after consulting with state party committees. Under this law, the Secretary of State to make nominating petitions available and prepare the ballots for the presidential primary. Unless amended otherwise, the subchapter establishing the presidential primary is repealed on December 1, 2018.

Joint Standing Committee on Veterans and Legal Affairs

Additionally, chapter 474 directs the Secretary of State to submit a report by December 2017 to the joint standing committee of the Legislature having jurisdiction over elections matters regarding the fiscal impacts on the State and municipalities of conducting presidential primaries. It also directs the Secretary of State to include in the report recommendations regarding the administration of presidential primaries, including any implementing legislation. These recommendations must specify the content and layout of presidential primary ballots, ensure compliance with federal law governing overseas voters and include other recommendations necessary for proper administration of a presidential primary. The joint standing committee of the Legislature having jurisdiction over elections matters may submit a bill regarding presidential primaries to the Second Regular Session of the 128th Legislature.

LD 1678 An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law

PUBLIC 441

Sponsor(s)

LUCHINI L

Committee Report

OTP

Amendments Adopted

This bill amends the definition of "hard cider" to be consistent with the definition of "hard cider" in federal law as administered by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. Like the federal definition, the change to the definition of "hard cider" in this bill takes effect on January 1, 2017. The bill increases the allowable alcohol content from 7% to 8.5% and allows hard cider to be produced from the juice of pears as well as of apples.

Enacted Law Summary

Public Law 2015, chapter 441, amends the definition of "hard cider" to be consistent with the definition of "hard cider" in federal law as administered by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. Like the federal definition, the change to the definition of "hard cider" this law takes effect on January 1, 2017. The definition change includes an increase of the allowable alcohol content from 7% to 8.5% and allows hard cider to be produced from the juice of pears as well as of apples.

LD 1687 An Act To Assist Small Distilleries

PUBLIC 440

Sponsor(s)

LUCHINI L
COLLINS R

Committee Report

OTP

Amendments Adopted

Under current law small distillers licensed to manufacture spirits in the State are authorized to have up to two locations where they may sell their product for off-premises consumption and one license to serve alcoholic beverages for on-premises consumption. This bill provides that small distillers, distillers who produce up to 50,000 gallons annually, are not required to transport their spirits to a warehouse operated by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations or the bureau's contracted wholesaler for distribution back to the distillers' facilities where they will be sold. The bill requires that small distillers submit monthly reports to the bureau on spirits not transported to a warehouse and pay the required state liquor tax.

Enacted Law Summary

Small distillers licensed to manufacture spirits in the State are authorized to have up to two locations where they may sell their product for off-premises consumption and one license to serve alcoholic beverages for on-premises consumption. Public Law 2015, chapter 440 provides that small distillers, distillers who produce up to 50,000 gallons annually, are not required to transport their spirits to a warehouse operated by the Department of