

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

STAFF:

JANET STOCCO, LEGISLATIVE ANALYST
DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

MEMBERS:

SEN. LOUIS J. LUCHINI, CHAIR
SEN. ERIN D. HERBIG
SEN. SCOTT W. CYRWAY

REP. JOHN C. SCHNECK, CHAIR
REP. JANICE E. COOPER
REP. CRAIG V. HICKMAN
REP. BRIAN L. HUBBELL*
REP. JOYCE "JAY" MCCREIGHT
REP. KEVIN O'CONNELL*
REP. SCOTT WALTER STROM
REP. SHELDON MARK HANINGTON
REP. JOHN ANDREWS
REP. JOSANNE C. DOLLOFF
REP. KENT ACKLEY

*Committee member for a portion of the session

STATE OF MAINE

129TH LEGISLATURE
FIRST 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 First Regular Session of the 129th 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 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 129th Legislature is Thursday, September 19, 2019. 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

Enacted Law Summary

Public Law 2019, chapter 614 allows for the registration of slot machines and associated equipment by licensed gambling services vendors in addition to licensed slot machine distributors, as in current law. It also changes the definition of "associated equipment" to clarify that only mechanical, electromechanical or electronic components or machines that are used in or intended for use in a slot machine or table game and that affect the outcome of the game, are involved in the handling of money, tokens, credits or similar objects or things of value, or are involved in the calculation of or distribution of payoffs must be registered.

LD 2067 An Act To Authorize the Automatic Continuation of Absentee Voter Status until the Termination of That Status CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L FECTEAUR		

This bill, which has an effective date of January 1, 2022, provides a process for a voter to request ongoing absentee voter status, which allows the voter to automatically receive an absentee ballot for each statewide election, municipal election and any other election until the status is terminated. It provides that if the clerk notes a discrepancy in signature on the return envelope of an absentee ballot, the return envelope is missing a signature or the affidavit on the return envelope is not properly completed, the clerk shall make a good faith effort to notify the voter within 24 hours by mail, telephone or e-mail of the procedure by which the voter may cure the discrepancy, correct the missing signature or properly complete the affidavit on the return envelope. Compare LD 753 from the First Regular Session.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2088 An Act To Clarify the Laws Governing Financial Relationships between Entities within the Three-tier System for Distribution of Alcohol PUBLIC 665

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-426

This committee bill was reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2019, chapter 15. It consolidates in one statutory section the separate laws prohibiting financial relationships between entities within the three-tier system of alcohol distribution in Maine. The bill clarifies that, with only a few minor exceptions, an entity in the manufacturer tier, wholesaler tier or retailer tier may not have a financial interest, direct or indirect, in an entity in a different tier of the three-tier system. Unlike current law, the bill clarifies that these so-called three-tier prohibitions apply to entities that sell spirits. The bill also preserves the prohibition in current law against an in-state wholesaler of malt liquor and wine, referred to in current law as a "wholesale licensee," having any financial interest, direct or indirect, in an out-of-state wholesaler of malt liquor or wine whose products are imported into the State.

Committee Amendment "A" (S-426)

The bill generally prohibits an entity within one tier of the three-tier system of alcohol distribution in Maine from having a financial interest in an entity within another tier of the three-tier system in Maine and extends the financial interest prohibitions of the three-tier system, which apply under current law to entities that manufacture, import or sell malt liquor and wine within the State, to entities that manufacture, import or sell spirits within the State. Under the bill, in-state and out-of-state manufacturers comprise the first tier of alcohol distribution, in-state and out-of-state wholesalers comprise the second tier of alcohol distribution and in-state retailers comprise the third tier

Joint Standing Committee on Veterans and Legal Affairs

of alcohol distribution.

This amendment, which is the unanimous report of the committee, retains the bill's extension of the financial interest prohibitions of the three-tier system to spirits but restructures the first and second tiers of that system to match the structure of the three-tier system that applies to malt liquor and wine under current practice. Under the amendment, the first tier of alcohol distribution consists of in-state manufacturers of spirits, wine or malt liquor; out-of-state manufacturers of spirits, wine and malt liquor that ship their products to Maine; and out-of-state entities that are not manufacturers but that purchase spirits, wine or malt liquor for shipment to and eventual resale in Maine. The second tier of alcohol distribution includes in-state wholesalers of malt liquor or wine. Because Maine is a control state, private entities are not authorized to act as wholesalers of spirits within the State and there is therefore no need to include such entities in the amendment's second tier of alcohol distribution. As in the bill, licensed retailers comprise the third tier of alcohol distribution.

The amendment also corrects an error in the bill by specifying that the prohibited financial interests between entities in different tiers of the three-tier system do not include a minor investment by an entity within one tier of the three-tier system if that investment amounts to not more than 1% of the securities of a business entity within another tier of the three-tier system.

Enacted Law Summary

Public Law 2019, chapter 665 consolidates in one statutory section the separate laws prohibiting financial relationships between entities in separate tiers of the three-tier system of alcohol distribution in Maine and clarifies that these so-called three-tier prohibitions apply to entities that sell spirits in addition to entities that sell malt liquor and wine. The first tier of alcohol distribution consists of in-state manufacturers of spirits, wine or malt liquor; out-of-state manufacturers of spirits, wine and malt liquor that ship their products to Maine; and out-of-state entities that are not manufacturers but that purchase spirits, wine or malt liquor for shipment to and eventual resale in Maine. The second tier of alcohol distribution includes in-state wholesalers of malt liquor or wine. Because Maine is a control state, private entities are not authorized to act as wholesalers of spirits within the State and there is therefore no need to include such entities in the statutory second tier of alcohol distribution. Licensed retailers comprise the third tier of alcohol distribution.

LD 2089 An Act To Clarify Certificate of Approval Requirements under the State's Liquor Laws

PUBLIC 615

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM
ONTP

S-407

This committee bill was reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2019, chapter 15. It resolves an inconsistency in the State's liquor laws by clarifying that an out-of-state spirits supplier must obtain a certificate of approval from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations before it may transport spirits into the State for sale to the bureau or cause spirits to be transported into the State for sale to the bureau. The out-of-state spirits suppliers who must obtain a certificate of approval under the bill include both out-of-state spirits manufacturers and persons who engage in the out-of-state purchase of spirits for resale to the bureau.

The bill also clarifies which of the existing laws applicable to certificate of approval holders apply to out-of-state spirits suppliers, who are included in the definition of "certificate of approval holder" under the bill. For example, the bill exempts out-of-state spirits suppliers from the statutory requirement that certificate of approval holders enter into a distribution contract with a wholesaler who is licensed to sell malt liquor or wine within the State. These contracts are unnecessary because, under existing law, all spirits products must be sold to the bureau, which contracts with the entity that provides warehousing and distribution services for spirits products within the State.