

Joint Standing Committee on Business and Economic Development

LD 65 **An Act to Require Elevators Installed during New Construction be Large enough to Accommodate Ambulance Stretchers** **PUBLIC 178**

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-105
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LD 65 proposed to require that elevators in public buildings be large enough to accommodate ambulance stretchers.

Committee Amendment "A" (H-105) proposed to require that whenever plans for the construction of a new multi-story building or for a new addition to an existing multi-story building that extends beyond the original exterior walls include the installation of a passenger elevator, the elevator must be large enough to accommodate an ambulance stretcher in a fully supine position. The amendment would apply to buildings that house private or nonprofit entities that serve the public or are places of public accommodation constructed after January 1, 2002. The amendment would exclude buildings owned by a local unit of government.

Enacted law summary

Public Law 2001, chapter 178 provides that whenever plans for the construction of a new multi-story building or for a new addition to an existing multi-story building that extends beyond the original exterior walls include the installation of a passenger elevator, the elevator must be large enough to accommodate an ambulance stretcher in a fully supine position. This requirement applies to buildings that house private or nonprofit entities that serve the public or are places of public accommodation constructed after January 1, 2002 and excludes buildings owned by a local unit of government.

LD 68 **An Act to Permit the Sale of Motorcycles on Sunday** **ONTP**

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 68 proposed to allow a person whose primary business is the sale of motorcycles to sell motorcycles on Sunday.

Committee Amendment "A" (H-108) was the minority report and was not adopted. The amendment proposed to strike the title and language of the original bill. The amendment also proposed to clarify that the current law prohibiting the sale of motor vehicles on Sunday by allowing licensed dealers of motorcycles, whose primary business is the buying and selling of motorcycles, to display motorcycles on their lots on Sunday and to answer questions about features, options and accessories on those displayed motorcycles. The amendment, however, did not propose to remove the prohibition against sales of motor vehicles on Sunday.

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LD 117 **An Act to Require Consignment Businesses to Provide Itemized Receipts** **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 117 proposed to require that a person who receives goods for sale on consignment provide an itemized receipt of these goods and copies of the receipts of the sales of these goods to the person who consigns them.

LD 118 **An Act to Establish Requirements for Licensed Physicians Regarding Naturopathic Treatments** **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 118 proposed to require that licensed physicians who advertise as providers of naturopathic medicine offer naturopathic medical treatments to patients seeking naturopathic care, provide research information to those patients and notify those patients of any limitations of the physician's malpractice insurance regarding naturopathic medicine.

LD 143 **An Act to Allow Landlords to Participate in the Fuel Assistance Program** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 143 proposed that Low-income Home Energy Assistance funds be paid directly to the landlord when a tenant is provided assistance under the LIHEAP program and the landlord provides oil heat to that tenant.

LD 160 **An Act to Extend the Lemon Law to Snowmobiles** **ONTP**

<u>Sponsor(s)</u> BELANGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 160 proposed to establish a "lemon law" governing the sale of new snowmobiles in the State. The bill also proposed to establish state-certified arbitration for disputes over new snowmobiles.

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LD 161 **Resolve, Regarding Legislative Review of Chapter 11: Rules for the
Maine Biomedical Research Program, a Major Substantive Rule of
the Department of Economic and Community Development** **RESOLVE 2
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

LD 161 proposed to provide for legislative review of Chapter 11: Rules for the Maine Biomedical Research Program, a major substantive rule of the Department of Economic and Community Development.

Enacted law summary

Resolve 2001, chapter 2 authorizes final adoption of Chapter 11: Rules for the Maine Biomedical Research Program, a major substantive rule of the Department of Economic and Community Development.

Resolve 2001, chapter 2 was passed as an emergency measure effective March 30, 2001.

LD 248 **An Act to Promote Economic Development in Rural Maine** **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
GOOLEY FERGUSON				

LD 248 was a concept draft that proposed to promote economic development in rural Maine. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session.

LD 249 **An Act to Amend the Rule-making Process Regarding the State's
Plumbing Code** **PUBLIC 215
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
TOBIN D TURNER		OTP-AM		H-222

LD 249 proposed to change the Plumbers' Examining Board's authority to adopt a state plumbing code by designating these rules as major substantive instead of routine technical rules.

Committee Amendment "A" (H-222) proposed to designate the adoption of a new plumbing code as a major substantive rule that would need to receive the affirmative action of the Legislature before adoption and all subsequent technical changes to the plumbing code would be routine technical rules.

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Enacted law summary

Public Law 2001, chapter 215 changes the Plumbers' Examining Board's authority to adopt a state plumbing code by designating the adoption of a new plumbing code as a major substantive rule that must receive the affirmative action of the Legislature before adoption. This Public Law also provides that all subsequent technical changes to the plumbing code are routine technical rules.

Public Law 2001, chapter 215 was enacted as an emergency measure effective May 18, 2001.

LD 258 An Act to Establish Returnable Tobacco Products and to Create the ONTP Returnable Tobacco Products Fund

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	ONTP MAJ OTP-AM MIN	

LD 258 proposed to establish a system of deposit and redemption for used and discarded cigarette butts, referred to as returnable tobacco products, and to create the Returnable Tobacco Products Fund, a dedicated fund for use in the payment of deposits and redemptions and to hold funds not required for either purpose.

Committee Amendment "A" (H-205), which was the minority report, proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

LD 270 An Act to Create a Resource within State Government to Protect INDEF PP the Privacy of Personal Information

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

LD 270, which was not referred to a committee but was suggested for reference to the Joint Standing Committee on Business and Economic Development, was a concept draft pursuant to Joint Rule 208 and was a recommendation of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. The concept draft proposed that a person or persons within State Government protect the privacy of personal data about the people of Maine. The person would not have regulatory authority, but would be charged with the following duties:

1. Conducting research and studies, gathering facts and evaluating procedures regarding the treatment of personal data by public and private entities;
2. Investigating complaints about information confidentiality, making recommendations for policy, rule and legislative changes, where appropriate, and making referrals to, and cooperating with, enforcement entities;

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3. Advising, consulting and assisting the legislative and executive branches of government on development of policies and procedures related to confidential personal data;
4. Coordinating communication and cooperation among components of State Government; and
5. Educating the public about the status of personal data and how to protect privacy.

The person performing this function would be in a position that, to the greatest extent possible, is not subject to political or economic pressure. This person would have authority to maintain the confidentiality of information in that person's possession.

LD 310 An Act to Require Bonding of Building Contractors ONTP

<u>Sponsor(s)</u> COWGER CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 310 proposed to require home construction contractors to be bonded for an amount equal to prepayments made by a homeowner or lessee.

LD 322 An Act to Amend the Motor Vehicle Franchise Laws ONTP

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 322 proposed to provide that a motor vehicle franchisor may not recover the costs incurred in reimbursing a franchisee for warranty work it performs that is required or permitted by the franchisor.

LD 324 An Act Regarding the Rescission Period in the Purchase of Time Shares ONTP

<u>Sponsor(s)</u> DAVIS P JONES	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 324 proposed to reduce the time period in which the purchaser or potential purchaser of a time-share unit from a developer may cancel the contract or conveyance. This bill proposed to reduce the current 10-day cancellation period to 3 days. As proposed, the developer would not be required to return the full amount of the deposit if the purchaser or potential purchaser cancels after the 3-day period has expired.

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Committee Amendment "A" (S-93), the minority report, proposed to increase the amount of time a purchaser or potential purchaser of a time-share unit for a developer has to cancel the contract from 3 calendar days to 5 business days.

LD 336

An Act to Protect the Privacy of Maine Physicians

PUBLIC 214

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY BRUNO	OTP-AM	S-118

LD 336 proposed to protect the privacy of physicians in the State by preventing the Board of Licensure in Medicine and the Board of Osteopathic Licensure from disclosing to the public certain personal information.

Committee Amendment "A" (S-118) proposed to clarify what information the Board of Licensure in Medicine and the Board of Osteopathic Licensure would be required to keep confidential and would allow the boards to share an applicant's or licensee's personal address and telephone number with governmental licensing or disciplinary authorities or any health care providers that are concerned with regulating a physician's employment or privileges. The amendment further proposed to provide that personal health information submitted, as part of an application, would be confidential but could also be shared with other appropriate regulatory entities.

Enacted law summary

Public Law 2001, chapter 214 protects the privacy of physicians in the State by preventing the Board of Licensure in Medicine and the Board of Osteopathic Licensure from disclosing to the public certain personal information. This Public Law allows the Board of Licensure in Medicine and the Board of Osteopathic Licensure to share an applicant's or licensee's personal address and telephone number with governmental licensing or disciplinary authorities or any health care providers that are concerned with regulating a physician's employment or privileges. This law also provides that personal health information submitted as part of an application is confidential but can be shared with other appropriate regulatory entities.

LD 341

An Act to Appropriate Block Grants to Promote Regional Tourism

ONTP

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

LD 341 proposed to establish the Regional Tourism Promotion Grant Program to be administered by the Office of Tourism and Community Development within the Department of Economic and Community Development. The bill proposed that through the grant program, the 8 tourism regions of the State receive grants of up to \$100,000 per region per year to promote tourism in the regions. In addition, the proposed bill listed criteria for determining eligibility for the grants. The program would have been funded primarily by directing the Commissioner of Economic and Community Development to use \$400,000 of the budget of the Office of Tourism and Community Development for grants. Under the proposed bill, the program would be authorized to receive additional funds from other sources.

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LD 360 **An Act to Require that Professors of Social Work Be Licensed at the Master Social Worker or the Clinical Social Worker Level** **ONTP**

<u>Sponsor(s)</u> SKOGLUND PENDLETON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 360 proposed to require persons who teach social work in a full-time, tenure-track position to be licensed as a social worker at the licensed master social worker level or the licensed clinical social worker level.

LD 368 **An Act to Openly Display Components of the Price of a Gallon of Gasoline at Filling Stations** **ONTP**

<u>Sponsor(s)</u> MACDOUGALL LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 368 proposed to require that a sign be posted at the pump showing a list of taxes, wholesale prices and other components that make up the price of a gallon of gasoline. The bill also proposed to require the posting to display a comparison between the current price and last listed price showing where a change in price has occurred.

LD 432 **An Act to Make Changes to the Board of Licensure in Medicine** **ONTP**

<u>Sponsor(s)</u> VOLENIK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 432 proposed to increase the Board of Licensure in Medicine to 10 members and require 5 of the members to be representatives of the public. This bill also proposed to allow a person aggrieved by an action of the board to appeal to the Superior Court and proposed to increase the statute of limitations on actions against health care providers from 3 years to 6 years.

LD 455 **Resolve, to Establish the Commission to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-105
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LD 455 proposed to set the deposit and refund value of refillable containers, nonrefillable containers sold through geographically exclusive distributorships and nonrefillable containers not sold through geographically exclusive distributors at 5-cents per container. The bill also proposed to set the deposit and refund value of wine and spirit containers at 15-cents per container. The bill also proposed to increase the reimbursement rate for handling costs by redemption centers from 3-cents to 5-cents per container. The bill, as amended by Committee Amendment “A,” was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session. The contents of the amended bill, however, were included in a joint study order (HP 1389), which was passed by both Houses prior to adjournment.

Committee Amendment “A” (S-105) proposed to strike and replace the original title and the original bill. It proposed to establish the Commission to Study Reimbursement Rates for Maine’s Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers. The 13-member committee proposed to be established under this amendment was directed to examine a number of issues related to handling and collection of returnable containers, including: operational costs of redemption centers to determine whether or not an increase in the reimbursement rate for handling costs is warranted; the interrelationships among beverage producers, distributors and redemption centers concerning collection of returnable containers; and the nature and extent of fraudulent redemptions. The amendment also proposed that the study committee report its findings and recommendations to the Joint Standing Committee on Business and Economic Development by December 1, 2001.

LD 458

An Act to Amend the Laws Governing the Board of Licensing of Auctioneers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P WATERHOUSE	ONTP	

LD 458 proposed to provide that one member of the Board of Licensing of Auctioneers could be an auctioneer who is selected from a list submitted to the Governor by a statewide organization of auctioneers.

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LD 480

An Act Concerning the State Board of Funeral Service

PUBLIC 169

<u>Sponsor(s)</u> PERRY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-187
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LD 480 proposed to clarify the jurisdiction of the State Board of Funeral Service to include only funeral services, excluding services provided by cemeteries and crematoriums.

Committee Amendment "A" (H-187) proposed to clarify the jurisdiction of the State Board of Funeral Service to include only funeral services, excluding services provided by cemeteries and crematoriums. The amendment also proposed to exclude the transportation of human remains by an authorized person from the definition of funeral service.

Enacted law summary

Public Law 2001, chapter 169 clarifies the jurisdiction of the State Board of Funeral Service to include only funeral services, excluding services provided by cemeteries, crematoriums, mausoleums or columbariums. This Public Law also clarifies that the practice of funeral services does not include the transportation of human remains by an authorized person.

LD 487

An Act to Allow the Agencies of the Department of Professional and Financial Regulation to Revoke Professional and Occupational Licenses

PUBLIC 167

<u>Sponsor(s)</u> LAVERDIERE SHOREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-206
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LD 487 proposed to authorize the agencies and professional and occupational licensing boards within or affiliated with the Department of Professional and Financial Regulation to revoke licenses and registrations issued by the respective boards. The bill also proposed to transfer concurrent jurisdiction over license revocations and suspensions from the District Court to the Superior Court and provided that any nonconsensual disciplinary action would be subject to judicial review exclusively in the Superior Court.

Committee Amendment "A" (H-206) proposed that any nonconsensual revocation of an occupational or professional license could be heard de novo exclusively in the District Court.

Enacted law summary

Public Law 2001, chapter 167 authorizes the agencies and professional and occupational licensing boards within or affiliated with the Department of Professional and Financial Regulation to revoke licenses and registrations issued by the respective boards. This Public Law also provides that an appeal from any nonconsensual revocation of an occupational or professional license may be heard de novo exclusively in the District Court.

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LD 490 **An Act to Preserve Competition in the Retail Marketing of Motor Fuels** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	ONTP MAJ	
DUGAY	OTP MIN	

LD 490 proposed to prohibit the retail sales of motor fuel below cost. The bill proposed to establish remedies for actions brought under the provisions of the bill. The bill proposed statutory and compensatory damages for a plaintiff bringing a successful action. The bill also proposed to define "rack price" for motor fuels and to authorize the Attorney General to invoke rule-making authority to establish an alternative means of calculating the rack price.

LD 519 **An Act to Amend the Licensing Provisions for Private Investigators** **PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR	OTP-AM	H-186
MARTIN		H-430 RICHARDSON

LD 519 proposed to affect the licensing statutes for private investigators as follows.

1. It would clarify the Commissioner of Public Safety's authority to appoint a designee to deal with licensing matters.
2. It would make consistent the language identifying disqualifying convictions for the license application and refusing to issue, suspending and revoking a private investigator license and would make it clear that the commissioner must provide notice and opportunity for hearing if there are grounds to refuse to issue or renew a license under the chapter pertaining to private investigators.
3. It would amend the section describing prior experience as an investigative assistant to make the section more specific.

Committee Amendment "A" (H-186) proposed to require 1,700 hours of employment as an investigative assistant and would require the 1,700 hours take at least one year and no more than 2 years to complete.

House Amendment "A" to Committee Amendment "A" (H-430), which was enacted, proposed to clarify that the 1,700 hours of employment as an investigative assistant must be accomplished within 2 years after the date of issuance of the investigative assistant license but no earlier than one year after the date of issuance.

Joint Standing Committee on Business and Economic Development

Enacted law summary

Public Law 2001, chapter 298 provides that the Commissioner of Public Safety has authority to appoint a designee to deal with private investigator licensing matters and that the commissioner must provide notice and opportunity for hearing if there are grounds to refuse to issue or renew a private investigator license. This Public Law also requires investigative assistants to obtain 1,700 hours of employment as an investigative assistant before being eligible to be licensed as a private investigator and further requires that those hours be accomplished within 2 years after the date of issuance of the investigative assistant license but no earlier than one year after the date of issuance.

LD 547 **An Act to Provide Support for Impoverished Communities for Economic Development** **ONTP**

<u>Sponsor(s)</u> MCGLOCKLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 547, a concept draft pursuant to Joint Rule 208, proposed to establish an ombudsman position at the state level through the State Planning Office to provide assistance and guidance to Maine's poorest counties in seeking creative funding sources. The ombudsman would have helped municipalities procure grants and other alternative funding sources and could have provided research and grant-writing services. Under the proposed bill, criteria to qualify for assistance would have been easily understood and would have been set out by widely publicized rules established by the State Planning Office.

LD 588 **An Act Concerning Nurses in Advanced Practice** **ONTP**

<u>Sponsor(s)</u> BROMLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 588, a concept draft pursuant to Joint Rule 208, proposed to revise the licensing laws concerning advanced practice registered nurses.

LD 668 **An Act to Reallocate a Portion of the Calendar Year 1999 Allocation of State Ceiling** **P & S 9
EMERGENCY**

<u>Sponsor(s)</u> SHOREY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 668 proposed to reallocate the \$10,000,000 of the state ceiling on private activity bonds for calendar year 1999 originally allocated to the Finance Authority of Maine and reallocated to the Maine Educational Loan Authority by the 119th Legislature, back to the Finance Authority of Maine to be used for educational loans.

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Enacted law summary

Private and Special Law 2001, chapter 9 reallocates the \$10,000,000 of the state ceiling on private activity bonds for calendar year 1999 originally allocated to the Finance Authority of Maine and reallocated to the Maine Educational Loan Authority by the 119th Legislature, back to the Finance Authority of Maine to be used for educational loans.

Private and Special Law 2001, chapter 9 was enacted as an emergency measure effective April 11, 2001.

LD 669

An Act to Clarify the Use of the Municipal Investment Trust Fund

PUBLIC 90

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH COWGER	OTP-AM	S-52

LD 669 proposed to clarify the definition of public service infrastructure to include streetscape improvements that are critical to the "livability" of communities and the hardware necessary to support the development and operation of geographic information systems. The bill also further clarified that the highest priority for public service infrastructure grants and loans are service center communities and proposed priorities for preferences for grant awards from the Municipal Investment Trust Fund.

Committee Amendment "A" (S-52) proposed to amend the bill by requiring that rules adopted in establishing a methodology to identify a service center community are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. It also proposed to repeal a current definition of service center in Title 30-A, section 4349-A. The amendment also proposed to amend Title 30-A, section 5953-D to add a municipality that has been designated a service center community to the list of municipalities eligible to receive a loan from the Municipal Investment Trust Fund.

Enacted law summary

Public Law 2001, chapter 90 repeals the current definition of a service center in Title 30-A, section 4349-A of the Maine Revised Statutes and requires that the State Planning Office develop a definition of "service center community" using a methodology established by major substantive rule that includes 4 basic criteria. The law also clarifies that public service infrastructure includes streetscape improvements that are critical to the "livability" of communities and the hardware necessary to support the development and operation of geographic information systems. It also clarifies that the highest priority for use of trust funds is service centers and prioritizes preferences for grant awards from the Municipal Investment Trust Fund. The law also amends Title 30-A, section 5953-D to add to the list of municipalities eligible to receive a loan from the Municipal Investment Trust Fund a municipality that has been designated a service center community.

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LD 682

An Act to Require the Adoption of the 2000 International Plumbing Code

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN D TURNER	ONTP	

LD 682 proposed to require the Plumbers' Examining Board to adopt the 2000 International Plumbing Code as the State's plumbing code.

LD 687

An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO		

LD 687 proposed to require pharmacies to provide the Maine Board of Pharmacy with quarterly reports recording all schedule II drug transactions so that the board can maintain a centralized database.

Committee amendment “A” (H-630), which was the minority report, proposed to amend the original bill by designating the Department of Human Services as the department that will establish and maintain the schedule II drug database. The amendment also proposed that a retail drug outlet or a mail order business that dispenses schedule II drugs and is registered under the Maine Revised Statutes, Title 32, section 13751 must report schedule II drug transactions to the department on a quarterly basis. Additionally the amendment proposed to require the dispensing facility to report, at a minimum, the pharmacy prescription number, pharmacy number, patient identifier, which may include the name of the customer and the customer’s date of birth, the date the controlled substance was dispensed, the metric quantity of the controlled substance, the national drug code of the controlled substance, the estimated days of supply of the controlled substance dispensed and the prescriber’s United States Drug Enforcement Agency registration number to the department. The amendment proposed to designate information contained in the reports and in the database as confidential and limits its disclosure to governing bodies that license practitioners when they are conducting an investigation that involves schedule II drugs and to pharmacists, physicians and dentists when the information relates to their own patients. The amendment proposed to expressly prohibit the release of conditional information from the database to law enforcement officers. It also proposed to add a fiscal note to the original bill.

The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session of the 120th Legislature.

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LD 692 **An Act Regarding Minimum Prices for Cigarettes** **ONTP**

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

LD 692 proposed to require dealers and distributors of tobacco products to set minimum prices below which their products could not be sold.

LD 707 **Resolve, to Explore the Feasibility of Establishing a Dental Residency Program** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MITCHELL B	OTP-AM	H-107

LD 707 proposed to direct the Finance Authority of Maine to undertake a study of methods of relieving the shortage of dentists in Maine, including the feasibility of establishing an accredited dental residency program. The bill, as amended by Committee Amendment "A," was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session. However, funds for the study were included in the Part 2 budget (LD 855, Public Law 2001, chapter 439, Part NNN).

Committee Amendment "A" (H-107) proposed to amend the original resolve by making the study described in the resolve contingent on funding. The amendment also proposed to add an emergency preamble, an emergency clause and a fiscal note to the original resolve.

LD 758 **An Act Concerning the Training of Personnel Who Administer Medications in Schools** **PUBLIC 451**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON EDMONDS	OTP-AM MAJ ONTP MIN	S-346

LD 758 proposed to restrict the administration of medication by school and corrections facility personnel to those persons who are licensed physicians, physician's assistants, nurses, nurse practitioners or medical technicians or persons who have received training and certification to administer medication from the department of jurisdiction.

Committee Amendment "A" (H-464), which was not adopted, removes existing language in the laws governing the administration of medication by a sheriff or deputy and adds an appropriation section and a fiscal note to the bill.

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Committee Amendment "A" (S-346) was the report of the Committee of Conference on L.D. 758 and was adopted. It proposed to strike and replace the original bill. The amendment also proposed to amend the current law that requires the Commissioner of Education to adopt rules for administration of medication in schools, including the training of unlicensed personnel who administer medication. The amendment would require the commissioner to describe how the department will provide training directly to such personnel at the local level. It also proposed to amend current law to make the rules developed for the administration of medication in schools major substantive rules. Finally, it proposed to require the commissioner to submit the provisionally adopted rules to the Joint Standing Committee on Business and Economic Development no later than February 28, 2002.

House Amendment "A" (H-541) proposed to clarify that an unlicensed person may administer medication if that person receives training and certification from the Department of Education. This amendment proposed to remove language from the bill that was erroneously left intact by Committee Amendment "A" regarding the administration of medication to prisoners, thus making the bill applicable only to the administration of medication in schools. This amendment was not adopted.

Enacted law summary

Public Law 2001, chapter 451 amends the current law that requires the Commissioner of Education to adopt rules for administration of medication in schools, including the training of unlicensed personnel who administer medication. The law requires the commissioner to describe how the department will provide training directly to such personnel at the local level. It also amends current law to make the rules developed for the administration of medication in schools major substantive rules. Finally, the law requires the commissioner to submit the provisionally adopted rules to the Joint Standing Committee on Business and Economic Development by February 28, 2002.

LD 772 **An Act to Require Explicit Statutory Authority for Expenditure of Certain Public Money for Lobbying Purposes and Private Enterprise and for Private For-profit Gain** **ONTP**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 772 proposed to require the Maine Educational Loan Authority to obtain legislative approval before hiring lobbyists or making financial or other assistance available to a private enterprise.

LD 780 **An Act to Promote Economic Growth in the Penobscot Valley** **ONTP**

<u>Sponsor(s)</u> CATHCART STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 780 proposed to appropriate funds to employ an economic development specialist and to construct a building to attract a private employer to northern Penobscot County.

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LD 781 **An Act to Require Veterinary Clinics to Fully Disclose Their After-hours Staffing Policies** **ONTP**

<u>Sponsor(s)</u> BROMLEY MCKEE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 781 proposed to require a veterinarian who maintains a facility to practice veterinary medicine to provide written notice to a pet owner when an animal is released to the facility indicating the after-hours staffing policies of the facility, including staffing levels and hours.

LD 815 **An Act to Foster the Survival of Maine Small Businesses in Snowmobile and ATV Sales** **PUBLIC 193**

<u>Sponsor(s)</u> DAVIS P MENDROS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-104
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LD 815 proposed that the annual sale of more than 8 snowmobiles or ATVs that are less than one year old without a dealer's license is, pursuant to the Maine Revised Statutes, Title 12, section 7901, a Class E crime.

Committee Amendment "A" (S-104) proposed to replace the bill. The amendment proposed to establish new definitions for both "new snowmobile" and "new all-terrain vehicle." It also proposed to make it illegal for a person who does not have both a franchise agreement with a manufacturer and a dealer's license to sell more than 2 new snowmobiles or all-terrain vehicles per year. The amendment also proposed that an unlawful sale of a snowmobile or ATV result in a civil forfeiture of not less than \$500 and a penalty of not more than \$5,000.

Enacted law summary

Public Law 2001, chapter 193 provides definitions for both "new snowmobile" and "new all-terrain vehicle." It also makes it illegal for a person who does not have both a franchise agreement with a manufacturer and a dealer's license to sell more than 2 new snowmobiles or 2 new all-terrain vehicles per year. The law also establishes that an unlawful sale of a snowmobile or ATV may result in a civil forfeiture of not less than \$500 and a civil penalty of not more than \$5,000.

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LD 893 **An Act to Authorize Master Electricians to Work with up to 3 Helpers** **ONTP**

<u>Sponsor(s)</u> MCNEIL SAVAGE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 893 proposed to allow a master electrician to work with 3 helper electricians instead of one.

LD 924 **Resolve, to Grant an Exception for Inspections of Low-use Elevators** **ONTP**

<u>Sponsor(s)</u> MCKEE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 924 proposed to direct the Board of Elevator and Tramway Safety to create rules to make an exception in the yearly scheduling of inspections for low-use elevators in churches, small businesses and other organizations that have elevators but use them infrequently.

LD 932 **An Act to Authorize the Maine State Housing Authority to Administer an Electric Assistance Program** **PUBLIC 257
EMERGENCY**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-361
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LD 932 proposed to require the Maine State Housing Authority to administer the electric assistance program established by the Public Utilities Commission to provide electric assistance to low-income households.

Committee Amendment "A" (H-361) proposed to amend the original bill by removing a 10 percent cap on the amount of electric assistance program funds that the Maine State Housing Authority could use to pay for the administrative and operational costs of the program. Under the provisions of the proposed amendment, the authority's use of these funds would be subject to approval by the Public Utilities Commission.

The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 257 requires the Maine State Housing Authority to administer the electric assistance program established by the Public Utilities Commission to provide electric assistance to low-income households. The law requires MSHA to report annually to the Public Utilities Commission information to determine the amount

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of funding necessary for the program. It also authorizes the authority to adopt routine technical rules to implement the program. The law establishes the sources of funds for the program as funds collected by an electric utility as determined by the commission pursuant to section 3214 of Title 35-A of the Maine Revised Statutes, all funds appropriated by the State for the fund, all interest and dividends from the investment of money in the fund, and any other money deposited in the fund to implement the program. The law also allows MSHA to use the fund to cover administrative and operational expenses related to the program subject to the approval of the commission.

Public Law 2001, chapter 257 was enacted as an emergency measure effective May 25, 2001.

LD 942 **An Act to Prohibit the Solicitation of Prearranged Funeral Services** **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 942 proposed to strengthen the law prohibiting solicitation of prearranged funerals and funeral business by strictly defining "solicitation."

LD 947 **An Act Concerning Fair Debit Card Practices** **ONTP**

<u>Sponsor(s)</u> USHER O'GARA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 947 proposed to authorize public post-secondary institutions located in this State to sponsor debit card programs for their students. The bill also proposed to enable students to use their school-sponsored debit cards at local businesses outside the campus.

LD 951 **An Act Relating to Rent-to-own Purchases** **ONTP**

<u>Sponsor(s)</u> BRANNIGAN BROMLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 951 proposed to help ensure that consumers who enter into rent-to-own contracts and who eventually purchase the item are charged a price that is based on the actual fair market value of the item.

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LD 986

Resolve, to Establish the Commission to Study Employee
Ownership Options for Maine Businesses

DIED ON
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN BROMLEY	OTP-AM	H-223

LD 986 proposed to establish the Commission to Study Ownership Patterns in Maine. A similar commission had been established in the Second Regular Session of the 119th Legislature, but that commission had been unable to commence its tasks due to time constraints. The bill, as amended by Committee Amendment "A," was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session.

Committee Amendment "A" (H-223) proposed to change the title of the resolve and to amend the duties of the study commission. The Commission to Study Employee Ownership Options for Maine Businesses would examine a variety of issues related to employee ownership of businesses in this State, including the feasibility of establishing an employee ownership feasibility program. The amendment proposed to strike from the commission's original duties requirements that it analyze the patterns of business ownership in Maine and that it study the impacts of these changes in business ownership, among other things. The amendment also proposed to add an appropriation section and a fiscal note to the resolve.

LD 987

An Act to Change Certain Educational Requirements for Licensed
Social Workers

PUBLIC 316

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	OTP-AM	H-466

LD 987 proposed to create the position of licensed bachelor social worker and would have established standards and educational requirements for the position.

Committee Amendment "A" (H-466) proposed to remove the separate licensing category of licensed bachelor social worker and to subsume those provisions under the existing category of licensed social worker. The amendment would require anyone who is not licensed as a social worker or holds a licensed social worker conditional license prior to June 30, 2002 to meet the proposed new educational requirements. The amendment would also allow a licensed social worker with 2 instead of 5 years' experience to enter into consultation with a licensure candidate.

Enacted law summary

Public Law 2001, chapter 316 provides that a person must hold a bachelor's degree in social work or social welfare before being eligible to be licensed as a social worker unless that person was licensed as a social worker or holds a licensed social worker conditional license prior to June 30, 2002. The law also allows a licensed social worker with 2 instead of 5 years of experience to enter into consultation with a licensure candidate.

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LD 990

An Act to Establish the Maine Regulatory Fairness Board

PUBLIC 96

<u>Sponsor(s)</u> KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-57
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LD 990 proposed to establish the 5-member Maine Regulatory Fairness Board. Among the duties of this proposed advisory board would be to take testimony concerning, and to report to the Legislature and the Governor at least annually on, regulatory and statutory changes necessary to enhance the State's business climate.

Committee Amendment "A" (S-57) proposed to amend the bill by requiring the Governor to endeavor to ensure regional representation on the Maine Regulatory Fairness Board. It also proposed to reduce the minimum number of required meetings of the board from 4 to 2 and to require that the State Planning Office provide technical support to the board. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 96 establishes the 5-member Maine Regulatory Fairness Board. Among the duties of this advisory board are to take testimony concerning, and to report to the Legislature and the Governor at least annually on, regulatory and statutory changes necessary to enhance the State's business climate. The law requires the Governor to attempt to ensure regional representation on the board and that the board hold at least 2 meetings annually. The law also requires the State Planning Office to provide technical support to the board.

LD 997

Resolve, to Enhance Economic Development in Eastern Maine

ONTP

<u>Sponsor(s)</u> GOLDTHWAIT POVICH	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 997 proposed to establish the Commission to Promote Workforce Development in Eastern Maine. The bill also proposed to establish and fund 20 new positions within the Department of Public Safety, Maine Drug Enforcement Agency in eastern Maine to reduce the prevalence of illegal drug activity.

Committee Amendment "A" (S-87) was the minority amendment and proposed to amend Part A of the original resolve by changing the appointing authority for several study commission appointments and adding a 17th member of the study commission to represent the Maine Ambulatory Care Coalition. The amendment also proposed to amend Part B of the resolve by providing that the Director of the Maine Drug Enforcement Agency assign 20 new agents among the 3 counties specified in the legislation. The amendment also proposed to amend Part B with a new section that terminates the new positions after 2 years unless the Legislature acts to continue them. As proposed, the joint standing committee of the Legislature having jurisdiction over criminal justice matters would have been required to evaluate the effectiveness of the new positions in combating drug-related crime in the 3 counties and to recommend to the First Regular Session of the 121st Legislature whether or not to continue the 20 new positions beyond the termination date. The amendment also proposed to add a fiscal note. This amendment was not adopted.

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LD 1001

An Act to Protect Consumers During Licensing Hearings

ONTP

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1001 proposed to provide a consumer of goods or services provided pursuant to an occupational or professional license standing at a nonconsensual disciplinary action hearing regarding that license.

LD 1012

An Act to Safeguard Production of Groundwater

**PUBLIC 209
EMERGENCY**

<u>Sponsor(s)</u> NUTTING J CLOUGH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-119
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LD 1012 proposed to amend the laws governing water wells in the following ways:

1. Changes the name of the Maine Water Well Drilling Program to the Maine Water Well Program and the name of the Maine Water Well Drilling Commission to the Maine Water Well Commission;
2. Provides that the repair or replacement of a pump in a well is under the jurisdiction of the Maine Water Well Commission;
3. Establishes the categories of apprentice pump installer, journeyman pump installer and master pump installer;
4. Gives the Maine Water Well Commission the duty to license well drilling companies and pump installation companies; and
5. Changes the penalties that may be imposed for a violation of the laws governing water wells.

Committee Amendment "A" (S-119) proposed to clarify that a person need not be licensed to remove and replace an existing pump for the purpose of well inspection or to test a pump if the pump and electrical system are not being modified.

Enacted law summary

Public Law 2001, chapter 209 changes the name of the Maine Water Well Drilling Program to the Maine Water Well Program and the name of the Maine Water Well Drilling Commission to the Maine Water Well Commission. This Public Law also places the repair or replacement of a pump in a well under the jurisdiction of the Maine Water Well Commission and clarifies that a person need not be licensed to remove and replace an existing pump for the purpose of well inspection or to test a pump if the pump and electrical system are not being modified. Additionally, this law establishes the categories of apprentice pump installer, journeyman pump installer and master

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pump installer and gives the Maine Water Well Commission the duty to license well drilling companies and pump installation companies.

Public Law 2001, chapter 209 was enacted as an emergency measure effective on May 18, 2001.

LD 1092

An Act to Prohibit Negative Option Sales Without a Consumer's Express Agreement

PUBLIC 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY RICHARDSON	OTP-AM	S-106

LD 1092 proposed to prohibit so-called "negative option sales" to prohibit a merchant from charging a consumer for a good or service after a trial period unless the consumer expressly agrees to be charged for the good or service if the consumer does not affirmatively cancel the sale. A violation would be an unfair and deceptive act.

Committee Amendment "A" (S-106) proposed to limit the applicability of this section to sales agreed to by telephone and allows a merchant to provide a written description of the agreement within 10 days of charging the consumer if the services or goods are physically delivered to the consumer on at least a weekly basis. The amendment also proposed to require the merchant to provide the consumer with the calendar date the consumer will be charged for the goods or services.

Enacted law summary

Public Law 2001, chapter 210 prohibits a merchant from charging a consumer for goods or services agreed to by telephone after the trial period without the expressed agreement of the consumer to be charged for those goods or services if the consumer did not cancel the sale during the trial period. This Public Law also provides that at least 15 days prior to any charge, or 10 days prior to charging the consumer if the services or goods are physically delivered to the consumer on at least a weekly basis, the merchant must provide the consumer with a detailed written description of the sales agreement including the process by which the consumer can cancel the agreement, and the calendar date when the consumer will be charged for the sale unless the consumer cancels the sale.

This Public Law was amended by the Errors Bill (LD 30), sections E-1 and E-2. The amended law strikes a requirement in chapter 210 that the merchant provide the consumer a written description of the good or service for which the consumer will be charged on a weekly or more frequent basis within 10 days of the good or service being physically delivered to the consumer. The Errors Bill also establishes limitations on the application of Title 10, Maine Revised Statutes, section 1210.

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LD 1117

An Act Concerning Motor Vehicle Dealer Sale Practices

PUBLIC 256

<u>Sponsor(s)</u> RICHARDSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-324
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LD 1117 proposed to provide consumers protection against 2 motor vehicle dealer practices. This bill proposed to require dealers to disclose any mark-up in the financing interest rate the dealer receives from the lender in return for arranging the financing. Under the proposed bill, a dealer who fails to comply would commit an unfair trade practice. The bill also proposed to restrict the practice of dealers who, following the sale of a motor vehicle, contact the buyer to inform the buyer that the dealer has decided to cancel the contract and to require the buyer to return the vehicle. Under the proposed bill, if a dealer were to engage in this practice, the dealer must reimburse the buyer the total purchase price of the vehicle, including any money given for a trade-in. This proposed requirement would not apply to a dealer who cancels the contract due to a material misrepresentation by the buyer. However, a dealer who failed to comply with this requirement would commit an unfair trade practice.

Committee Amendment "A" (H-324) proposed to amend the original bill by requiring a motor vehicle dealer to disclose to the buyer, both at the time of the purchase of a new or used vehicle and at the time of cancellation of a sale, that if financing can not be obtained on the terms agreed to in the sales contract, then the dealer must reimburse the consumer for the vehicle purchase price or for lease payments made in the case of a lease and all other charges pertinent to the sale and must return the vehicle traded in or the value of the traded-in vehicle as established in the contract in the event the vehicle is no longer available. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 256 requires a motor vehicle dealer to disclose to the buyer, both at the time of the purchase of a new or used vehicle and at the time of cancellation of a sale, that if financing can not be obtained on the terms agreed to in the sales contract, then the dealer must reimburse the consumer for the vehicle purchase price, or for lease payments made in the case of a lease, and all other charges pertinent to the sale and must return the vehicle traded in or the value of the traded-in vehicle as established in the contract in the event the vehicle is no longer available.

LD 1157

An Act to Amend the Laws Governing the Examination of Electricians

ONTP

<u>Sponsor(s)</u> SHOREY DUGAY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1157 proposed to provide that an applicant for licensure by the Electricians' Examining Board could take an examination before that applicant has completed the educational requirements for licensure.

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LD 1227 **An Act to Provide for the Disclosure of Company Information and Appointment of a Registered Agent in Maine by Persons or Business Entities Selling or Leasing Goods or Services via the Internet** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL MILLS	ONTP	

LD 1227 proposed to provide for the disclosure of company information and appointment of a registered agent in Maine by persons or business entities selling or leasing goods or services via the Internet.

LD 1251 **An Act to Enhance the Observance of Veterans' Holidays** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUFFARD DOUGLASS	ONTP MAJ OTP-AM MIN	H-465

LD 1251 proposed to require stores having more than 5,000 square feet of interior customer selling space and manufacturing facilities to close in observance of the holiday on Memorial Day, July 4th and Veterans' Day.

Committee Amendment "A" (H-465), which was the minority report of the Joint Standing Committee on Business and Economic Development, proposed to require stores having more than 5,000 square feet of interior customer selling space and manufacturing facilities to be closed on Memorial Day. It also proposed to add a fiscal note to the bill. The amendment was adopted in the House, but the bill was referred to a Committee of Conference, the members of which were not able to reach agreement.

LD 1262 **An Act to Properly Apply Jurisdiction of Chimney Regulation** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES SHOREY		

LD 1262 proposed to remove the Oil and Solid Fuel Board from responsibility for chimney regulation in the State. It also proposed to clarify that the Commissioner of Public Safety or the commissioner's designee is responsible for enforcing chimney regulation. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session.

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LD 1291 **An Act to Prohibit the Importation of Wreaths Made in Canada** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS SHOREY	ONTP	

LD 1291 proposed to provide that a person could not import a wreath made in Canada into this State. Under the proposed bill, a person who violated this provision would have committed a civil violation for which a forfeiture of \$100 and \$10 per wreath for a first offense and \$500 and \$50 per wreath for a 2nd and each succeeding offense would have been adjudged.

LD 1299 **An Act to Amend the Laws Governing the Licensure of Dental Hygienists** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT TURNER	ONTP	

LD 1299 proposed to amend the laws governing the licensure of dental hygienists by:

1. Setting standards for the licensure of dental hygienists by the Board of Dental Examiners; and
2. Increasing the number of hours of continuing education that a dental hygienist must successfully complete as a condition of renewal of a license to practice.

LD 1305 **An Act to Consolidate the Laws Regulating Transient Sellers and Door-to-door Home Repair Transient Sellers** **PUBLIC 324**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH SHOREY	OTP	

LD 1305 proposed to consolidate laws pertaining to transient sellers into the laws governing door-to-door home repair transient sellers for ease of administration. It also proposed to repeal the Maine Revised Statutes, Title 32, chapter 69-A and to incorporate provisions from that chapter into Title 32, chapter 128, subchapter II. In addition, the bill proposed to clarify that the registration requirement for door-to-door home repair sellers is in addition to the licensure requirements for a trade, occupation or profession for which a license is required.

The bill also proposed to clarify that investment securities that are registered, or exempt from registration, under the Revised Maine Securities Act, Maine Revised Statutes, Title 32, chapter 105 are excluded from the definition of merchandise because they are subject to regulation by the Maine Securities Division and the Securities and Exchange Commission.

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Enacted law summary

Public Law 2001, chapter 324 consolidates laws pertaining to transient sellers into the laws governing door-to-door home repair transient sellers for ease of administration. It repeals the Maine Revised Statutes, Title 32, chapter 69-A and incorporates provisions from that chapter into Title 32, chapter 128, subchapter II. In addition, the law clarifies that the registration requirement for door-to-door home repair sellers is in addition to the licensure requirements for a trade, occupation or profession for which a license is required.

PL 2001, chapter 324 also clarifies that investment securities that are registered, or exempt from registration, under the Revised Maine Securities Act, Maine Revised Statutes, Title 32, chapter 105 are excluded from the definition of merchandise because they are subject to regulation by the Maine Securities Division and the Securities and Exchange Commission.

LD 1320

An Act Relating to the Office of Substance Abuse

PUBLIC 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY BLANCHETTE	OTP-AM	S-120

LD 1320 proposed to move the operation of the State Board of Alcohol and Drug Counselors from the Department of Professional and Financial Regulation to the Office of Substance Abuse, which is part of the Department of Mental Health, Mental Retardation and Substance Abuse Services. Current board members would continue to serve their respective current terms on the board. This bill also proposed changes the position of Director of the Office of Substance Abuse to an associate commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (S-120) proposed to remove the licensing provisions of the bill, provide that the Director of the Office of Substance Abuse reports directly to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and deletes the requirement that the appointment of a person to that position be reviewed by the joint standing committee of the Legislature having jurisdiction over human services matters prior to taking office.

Enacted law summary

Public Law 2001, chapter 194 requires that the Director of the Office of Substance Abuse report directly to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and removes the requirement that the appointment of a director be reviewed by the joint standing committee of the Legislature having jurisdiction over human services matters prior to that director taking office.

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LD 1349

**An Act to Transfer Oversight of Geologists to the Bureau of
Geology and Natural Areas**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE WOODCOCK	ONTP	

LD 1349 proposed to transfer oversight of geologists and soil scientists from the Department of Professional and Financial Regulation to the Department of Conservation, Bureau of Geology and Natural Areas.

LD 1357

**Resolve, to Study the Statutes Pertaining to Funeral Homes,
Crematories and Cemeteries**

RESOLVE 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT MAYO	OTP-AM	H-248 RICHARDSON S-86

LD 1357 proposed to direct the Department of Economic and Community Development to create a working group to review the laws pertaining to funeral homes, crematories and cemeteries and their roles in meeting the needs of Maine families.

Committee Amendment "A" (S-86) proposed to strike and replace the text of the resolve. The amendment proposed to add membership to the working group, limit the number of meetings the working group may hold, require the working group to report back to the Joint Standing Committee on Business and Economic Development and require the Department of Professional and Financial Regulation, the Department of Human Services and the Department of Environmental Protection to appoint members to the working group and to share in the expenses of the group within the departments' budgeted resources. It also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-248) proposed to correct the name of the Maine Cemetery Association.

Enacted law summary

Resolve 2001, chapter 30 directs the Department of Professional and Financial Regulation, the Department of Human Services and the Department of Environmental Protection to create a working group to review the laws pertaining to crematories and cemeteries and, where related, funeral homes. This resolve provides for the membership of the working group, limits the number of meetings the working group may hold, requires the working group to report back to the Joint Standing Committee on Business and Economic Development by March 15, 2002. Additionally, this resolve requires the Department of Professional and Financial Regulation, the Department of Human Services and the Department of Environmental Protection to appoint members to the working group and to share in the expenses of the group within the departments' budgeted resources.

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LD 1407 **An Act Providing for the Licensure of Ophthalmic Dispensing** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T	ONTP MAJ OTP MIN	

LD 1407 proposed to create a licensing requirement for ophthalmic dispensers and establish the Ophthalmic Dispensing Board as the professional licensing board.

LD 1438 **An Act to Strengthen the Maine Sister City Relationship with Aomori, Japan** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT MAYO	ONTP	

LD 1438 proposed to create the Sister State Advisory Council established by the State Planning Office to strengthen the economic and cultural ties with Aomori, Japan.

LD 1463 **An Act to Revise the Maine Science and Technology Foundation's Charter and Revise the Charter of the Centers for Innovation** **PUBLIC 95**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER GAGNON	OTP-AM	H-188

LD 1463 proposed to eliminate reference to the Centers for Innovation from the charter of the Maine Science and Technology Foundation, to update the charter to include duties involving the Maine Technology Institute and the Maine Technology Capacity Fund and to revise the Centers for Innovation Program and establish the program in its own chapter in the Maine Revised Statutes.

Committee Amendment "A" (H-188) proposed to amend the original bill by striking reference to both the Maine Technology Institute and other centers for innovation that may be established by the Commissioner of Economic and Community Development. It also proposed to add a new section that preserves the sales tax exemption for the centers for innovation that has been available to them as subsidiary entities of the Maine Science and Technology Foundation. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 95 eliminates reference to the Centers for Innovation from the charter of the Maine Science and Technology Foundation. The law also updates the MSTF charter to include duties involving the Maine Technology Capacity Fund. It also revises the Centers for Innovation Program and establishes the program in its

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own chapter in the Maine Revised Statutes. It also preserves the sales tax exemption for the Centers for Innovation that has been available to them as subsidiary entities of the Maine Science and Technology Foundation.

LD 1472 **An Act to Create Limited Licenses for Retired Physicians** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS SMALL	ONTP	

LD 1472 proposed to permit a retired physician to obtain a limited license to practice medicine. A limited license would allow a physician to provide primary care and preventive health care services without compensation. As proposed, these services may be provided to family members or at certain facilities operated by nonprofit organizations or the government.

LD 1476 **An Act to Require Continuing Education in the Cosmetology, Manicuring, Aesthetics and Barbering Fields** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS PENDLETON		

LD 1476 proposed to establish a continuing education requirement for people engaged in the practice of cosmetology, manicuring, aesthetics and barbering. It also proposed to set criteria for the applicants, the continuing education courses and the entities that provide the courses. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session.

LD 1498 **Resolve, to Require the Collection of Health Care Practitioner Workforce Data** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C		

LD 1498 proposed to require that certain health care licensing boards amend their rules by January 1, 2002 to require that all licensed, registered and certified persons under the authority of those boards complete and return a survey seeking certain demographic and professional information from respondents. The resolve proposed that the data collected from the health care practitioners be used as the basis of an annual written report by each board required to amend its rules to conduct the survey. Under the resolve, the survey data would be made available to the public. The Joint Standing Committee on Business and Economic Development voted to carry over the resolve to the Second Regular Session.

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LD 1513 **An Act to Encourage the Profession of Nursing by Establishing a Nursing Education Loan Fund** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON FULLER	ONTP	

LD 1513 proposed to establish the Nursing Education Loan Program. Under the proposed program, the Finance Authority of Maine would have awarded loans to Maine residents who had been accepted into a professional nursing degree program. The loans would have been available to persons seeking initial degrees or furthering their nursing education. If a loan recipient elected to practice nursing in the State, the loan recipient would have been forgiven a portion of the loan for each calendar year worked. The bill also proposed to establish a nonlapsing fund that could be used to make the loan.

LD 1600 **An Act to Provide Relief from High Fuel Costs** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS SHOREY	ONTP MAJ OTP MIN	

LD 1600 proposed to provide for the guarantee of loans up to \$1,000 by the Finance Authority of Maine for individuals who are residents of the State and are not eligible for the Low-income Home Energy Assistance Program to lock in the purchase price of home heating fuel at a prewinter heating season rate.

Committee Amendment "A" (H-599) proposed to add an appropriation section and fiscal note to the bill.

LD 1612 **An Act to Regulate Colonics** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS LEMONT	ONTP	

LD 1612 proposed to require practitioners of colonic irrigation to be licensed pursuant to criteria established by the Commissioner of Professional and Financial Regulation. The bill proposed to require that the commissioner establish an advisory council to advise and consult with the commissioner concerning the regulation of colonic practitioners. The bill also proposed to authorize the Department of Professional and Financial Regulation to establish continuing education requirements for maintaining a license. The bill further proposed to set forth guidelines for disciplinary action and make practicing colonic irrigation without a license a Class E crime. Licensed physicians would have been exempt from the requirements of this bill.

Joint Standing Committee on Business and Economic Development

LD 1632

Resolve, Directing the Maine Science and Technology Foundation to Determine the Technological, Economic and Public Policy Challenges and Opportunities for the Deployment of Broadband Information Technology Infrastructure to all Parts of the State

**RESOLVE 67
EMERGENCY**

Sponsor(s)
BENNETT

Committee Report
OTP-AM

Amendments Adopted
S-107
S-385 GOLDTHWAIT

LD 1632 proposed to direct the Maine Science and Technology Foundation, in cooperation with information technology interests and with various other agencies of the State, to determine the physical condition of the information technology infrastructure in the State, in particular in rural areas, and to report its recommendations, together with any necessary implementing legislation, to the Legislature.

Committee Amendment “A” (S-107) proposed to replace much of the original resolve and to establish a Telecommunications Working Group that is directed to determine the technological, economic and public policy challenges and opportunities for the deployment of broadband information technology infrastructure to all parts of the State, and to report its findings and recommendations to the Joint Standing Committee on Business and Economic Development in the Second Regular Session of the 120th Legislature. The amendment also proposed to establish a 21-member advisory panel and to add both an appropriations section and a fiscal note to the original resolve.

Senate Amendment “A” to Committee Amendment “A” (S-385) proposed to provide for a chair of the working group. It also proposed to remove legislators as members of the advisory panel and to provide for appointment of public members of the advisory panel by the chair of the working group. It also proposed to require notice of meetings to be given to the Legislature. The amendment also proposed to remove the appropriations section relating to legislative members. The amendment also proposed to change the report date from December 31, 2001 to December 5, 2001. Finally, the amendment proposed to ensure appropriate participation by both joint standing committees of the Legislature having potential jurisdiction over the subject matter.

Enacted law summary

Resolve 2001, chapter 67 directs the State Economist and Chief Information Officer of the State to determine technological, economic and public policy challenges and opportunities for deployment of broadband technology to all parts of the State. The resolve establishes a 4-member working group, chaired by the State’s CIO, and a 17-member advisory panel to provide information and advice to the working group members. The resolve also designates the Commissioner of Economic and Community Development as the chair of the advisory panel. The resolve requires the working group to identify specific geographic areas of the State where advanced telecommunication capability is deployed at a significantly lower rate than the rest of the State. It also requires the working group to study: the investment in telecommunications facilities with advanced capabilities in rural areas; the availability of telecommunications backbone networks and “last mile” facilities with advanced capability in potentially underserved areas; the technological, economic and public policy barriers to the wide deployment of board bandwidth to all parts of the State; the capability of various technological enhancements to existing wired and wireless networks to provide “last mile” advanced telecommunications capability in rural areas; and the feasibility of various technological alternatives to provide “last mile” advanced telecommunications capability in rural areas. Finally, the working group is charged with identifying success strategies that have been implemented in other states to deploy this technology to rural areas. The working group is required to report its findings and recommendations

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to the Joint Standing Committee on Business and Economic Development and the Joint Standing Committee on Utilities and Energy by December 5, 2001.

Resolve 2001, chapter 67 was emergency legislation that became effective June 28, 2001.

LD 1634 **An Act to Amend the Laws Pertaining to the Maine Small Business Commission** **PUBLIC 142**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY BRYANT	OTP	

LD 1634 proposed to require the Maine Small Business Commission to evaluate entrepreneurial programs as part of its duties and to require the commission to advise the Commissioner of Economic and Community Development in developing and implementing statewide strategies and policies as they relate to encouraging economic development by developing entrepreneurial businesses around the State. The bill also proposed to change the number of members of the commission from 3 to 7.

Enacted law summary

Public Law 2001, chapter 142 requires the Maine Small Business Commission to evaluate entrepreneurial programs as part of its duties and requires the commission to advise the Commissioner of Economic and Community Development to assist in developing and implementing statewide strategies and policies as they relate to encouraging economic development by developing entrepreneurial businesses around the State. The law also increases the number of members of the commission from 3 to 7.

LD 1639 **An Act to Improve the Licensing and Regulation of Denturists** **PUBLIC 337**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH STANLEY	OTP-AM	S-204

LD 1639 proposed to makes several changes relating to denturists and dental practices. Specifically, the bill proposed the following:

1. To authorizes denturists to become shareholders in dental practices and to add a denturist as a member of the Board of Dental Examiners;
2. To establish the Denturist Subcommittee as an independent subcommittee of the Board of Dental Examiners with jurisdiction over examinations and approval of educational curriculums and continuing education;
3. To clarify the definition of the "practice of denturism";

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4. To prohibit a mandatory oral health certification as a precondition for a denturist to treat a patient, and clarify that the subcommittee, not the board, would adopt rules to regulate the practice of denturism;
5. To clarify that the a education requirement may be met by successful completion of a course certified by the American Denturist Association or the Denturist Association of Canada; and
6. To provide that denturist who is a licensed dental radiographer may expose, develop and interpret X rays without supervision of a dentist.

Committee Amendment "A" (S-204) proposed to strike and replace the original bill. The amendment also proposed to authorize denturists to become shareholders in dental practices providing that at no time could denturists have an equal or greater ownership interest in a dental practice than the dentists have in that practice. Finally, the amendment proposed to eliminate the requirement that denturists obtain oral health certification from a dentist prior to practicing denturism on a person.

Enacted law summary

Public Law 2001, chapter 337 makes two changes in the laws governing the practice of denturism. Specifically, the law authorizes denturists to become shareholders in dental practices providing that at no time a denturist or denturists in sum have an equal or greater ownership interest in a dental practice than the dentist or dentists have in that practice. The law also eliminates the requirement that denturists obtain oral health certification from a dentist prior to practicing denturism on a person.

LD 1655

An Act to Regulate Unused Property Markets

ONTP

Sponsor(s)
KILKELLY

Committee Report
ONTP

Amendments Adopted

LD 1655 proposed to prohibit unused property merchants from selling unused baby food, infant formula, nonprescription drugs and medical devices at unused property markets unless the unused property merchant possesses written authorization to do so from the manufacturer or distributor of the item being sold. The bill also proposed to require unused property merchants to collect and maintain detailed purchase receipts for a minimum of 2 years. The bill would not have applied to the sale of motor vehicles or trailers that are required to be registered or are subject to the certification of title laws of the State, wood for fuel, ice, livestock, business conducted in any industry or association trade show, property not manufactured within recent times, anyone who sells by sample catalogs or brochures for future delivery, and the sale of arts, crafts or other merchandise produced by a person who produces such arts, crafts or merchandise or a person acting on their behalf. Under the proposed bill, an unused property merchant's first violation of the Maine Revised Statutes, Title 32, chapter 112 would have been a Class E crime, the 2nd violation would have been a Class D crime and all subsequent violations would have been Class C crimes.

Joint Standing Committee on Business and Economic Development

LD 1669

An Act to Increase Business Opportunities at the Port of Eastport

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> SHOREY GOODWIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-58
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LD 1669 proposed to establish a marketing program within the Maine Port Authority to market the State's port terminal facilities. The bill proposed a General Fund appropriation of \$75,000 in each of fiscal years 2001-02 and 2002-03 to carry out the purposes of the Act. The bill, as amended by Committee Amendment "A," was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session. However, funds for the program were included in the Part 2 budget (LD 855, Public Law 2001, chapter 439, Part LLLL).

Committee Amendment "A" (S-58) proposed to add a fiscal note to the bill.

LD 1672

An Act to Create the Washington County Development Authority

CARRIED OVER

<u>Sponsor(s)</u> SHOREY GOODWIN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1672 proposed to create the Washington County Development Authority for the purposes of enhancing economic development within the county, strengthening the financial condition of local governments within the county while combining resources and sharing costs for meeting regional economic development needs and challenges, and promoting and developing infrastructure and programs for employment and economic development. The bill proposed to take effect when enacted by the Legislature only for the purpose of permitting its submission to the legal voters of the cities, towns and plantations of Washington County at regular or special town and plantation meetings and city elections called and held for the purpose prior to December 31, 2001. Under the proposed bill, the municipalities of the county would have to vote to decide whether or not to become participating members of the authority. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session.

LD 1674

**An Act to Allow Boards of Professions to Grant Hardship
Deferments**

PUBLIC 285

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-325
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LD 1674 proposed to require a licensing authority under the jurisdiction of the Department of Professional and Financial Regulation to grant a hardship waiver for a professional who fails to meet continuing education requirements due to a death or serious illness in the person's family.

Committee Amendment "A" (H-325) proposed to allow a licensing authority under the jurisdiction of the Department of Professional and Financial Regulation to grant hardship deferments for continuing education requirements.

Enacted law summary

Public Law 2001, chapter 285 allows a licensing authority under the jurisdiction of the Department of Professional and Financial Regulation to grant hardship deferments for continuing education requirements.

LD 1677 **An Act to Enhance Tourism Promotion and Increase State Revenues** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	
GAGNON	OTP-AM MIN	

LD 1677 proposed to establish the Tourism Marketing Promotion Fund that would be funded by a transfer of 5% of the tax revenue collected from sales tax imposed on meals and lodging. The proposed transfer would not affect the amount transferred for state-municipal revenue sharing. Under the bill, the Maine Tourism Commission must approve the annual budget of the fund, which, beginning in fiscal year 2002-03, would fund the entire budget of the Office of Tourism program. The bill also proposed to equalize the tax on all prepared food or meals at the 7% tax that is currently assessed on meals sold in establishments that are licensed for on-premises consumption of liquor pursuant to the Maine Revised Statutes, Title 28-A, chapter 43. Currently, meals sold at establishments not licensed for the on-premises consumption of liquor are taxed at 5%.

Committee Amendment "A" (H-557), which was the majority report of the Joint Standing Committee on Business and Economic Development and was not adopted, proposed to dedicate 7.75% of the 7% tax on meals and lodging to generate approximately the same amount of revenue for tourism promotion as the original bill. The amendment also proposed to strike from the bill a proposed increase from 5% to 7% on meals sold at establishments not licensed for on-premises consumption of liquor. It also proposed to strike from the original bill the role of oversight of the Tourism Marketing Promotion Fund by the Maine Tourism Commission.

Committee Amendment "B" (H-558), which was the minority report of the Joint Standing Committee on Business and Economic Development and was not adopted, proposed to strike from the original bill the role of oversight of the Tourism Marketing Promotion Fund by the Maine Tourism Commission.

The Tourism Marketing Promotion Fund was established, along with a dedicated revenue funding mechanism, in the Part 2 budget (LD 855, Public Law 2001, chapter 439, Part UUUU).

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LD 1680

An Act to Provide for the 2001 and 2002 Allocations of the State Ceiling on Private Activity Bonds

**P & S 14
EMERGENCY**

<u>Sponsor(s)</u> RICHARDSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1680 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2001 and 2002. Under federal law, a maximum of \$187,500,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2001 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

Enacted law summary

Private and Special Law 2001, chapter 14 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2001 and 2002. Under federal law, a maximum of \$187,500,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2001 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2001, chapter 14 was enacted as an emergency measure effective May 8, 2001.

LD 1688

An Act to Amend the Personal Sports Mobile Franchise Law

PUBLIC 246

<u>Sponsor(s)</u> KNEELAND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-140
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LD 1688 proposed to require the Superior Court to refer to arbitration actions dealing with the establishing or relocating of personal sports mobile dealerships. The bill also proposed that treble damages be awarded to a franchise that prevails in an action brought for damages due to an unfair method of competition, an unfair or deceptive act or violation of the laws pertaining to the establishing or relocating of personal sports mobile dealerships.

Committee Amendment "A" (S-140) proposed to strike and replace the text of the original bill. The amendment also proposed to require that, prior to filing any court action against a franchisor related to establishing or relocating a personal sports mobile dealership, a franchisee must serve the franchisor with a written demand for nonbinding mediation to be conducted in this State. It also proposed to suspend the application of any statute of limitations for the 60-day period in which the nonbinding mediation is to occur and to prevent a franchisor from establishing a new or relocating an existing personal sports mobile dealership in the relevant market during that same period. The amendment also proposed to require that the court award attorney's fees and costs to the franchisee or dealer in any court action related to an unfair method of competition, an unfair or deceptive act or violation of the laws governing personal sports mobiles in which a franchisee or dealer prevails.

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Enacted law summary

Public Law 2001, chapter 246 requires that, prior to filing any court action against a franchisor related to establishing or relocating a personal sports mobile dealership, a franchisee must serve the franchisor with a written demand for non-binding mediation to be conducted in this State. The law also suspends the application of any statute of limitations for the 60-day period in which the non-binding mediation is to occur and prevents a franchisor from establishing a new or relocating an existing personal sports mobile dealership in the relevant market during that same period. The law also requires the court to award attorney's fees and costs to the franchisee or dealer in any court action related to an unfair method of competition, an unfair or deceptive act or violation of the laws governing personal sports mobiles in which a franchisee or dealer prevails.

LD 1694

An Act to Amend the Finance Authority of Maine Act

PUBLIC 417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL KILKELLY	OTP-AM	H-467 S-325 GOLDTHWAIT

LD 1694 proposed to amend the Finance Authority of Maine Act in the following ways.

1. Modify the definition of a major business expansion project to include the development of new systems;
2. Delete an erroneous cross-reference to the definition of wartime veteran and to substitute the cross-referenced definition with a requirement that the Bureau of Maine Veterans' Services certify the wartime veteran status to the authority to determine eligibility for loan insurance programs targeted for veterans and wartime veterans;
3. Update the names of the authority's divisions and to combine Finance Authority of Maine's 2 business assistance divisions into one division for administrative purposes;
4. Remove references to the Maine Education Assistance Board, an advisory board to the authority repealed by this bill, and to replace the positions on the Finance Authority of Maine board held by members of the Maine Education Assistance Board with an individual knowledgeable in the field of student financial assistance and an individual generally knowledgeable in the field of higher education;
5. Remove outdated references to the Maine Capital Corporation and the Maine Natural Resources Capital Corporation, which no longer exist;
6. Repeal a reference to the Division of Natural Resources Financing and Marketing, which was repealed in 1993;
7. Update the list of the higher education assistance programs managed by the Finance Authority of Maine;
8. Amend the loan amount that may be advanced against other eligible collateral when the authority insures a loan;
9. Clarify the requirement that a community development organization must authorize the deposit of matching funds into a family development account, to remove a requirement that a financial institution must obtain a cosignature before allowing a withdrawal of fund from a family development account and to create a

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requirement that information on accounts must be provided to the community development organization that is sponsoring the account;

10. Reduce the membership of the Advisory Committee on Family Development Accounts;
11. Amend the Maine Seed Capital Tax Credit Program so that amendments made regarding the administration of the issuance of tax credits for investments in private venture capital funds are retained after the provisions sunset on June 30, 2001;
12. Repeal the provisions naming 2 individuals from the Maine Education Assistance Board to the Advisory Committee on College Savings, to replace one member formerly named from the Maine Education Assistance Board with an individual with knowledge of higher education financial assistance, to replace the other individual with an at-large member and staggers the terms of the new members; and
13. Modify the membership of the Advisory Committee on Medical Education to remove representation by organizations that no longer exist and to widen the pool of potential candidates for participation in the program to allow former participants to serve on the committee. The bill also proposed to change the status of 6 members from nonvoting to voting.

Committee Amendment "A" (H-467) proposed to clarify provisions of the Maine Seed Capital Tax Credit Program. It proposed to clarify that private venture capital funds can invest in and receive credits for investments in multiple businesses, within certain limits. The amendment also proposed to clarify that while a principal owner of a business may not receive a credit for the principal's own investment in the business, whether directly made or through a venture fund, only so much of the credit in a venture fund attributable to the investment in such principal's business would be ineligible. The amendment also proposed to strike ambiguous and contradictory language from provisions that govern the Educators for Maine Program. It also proposed to add a fiscal note to the bill.

Senate Amendment "B" to Committee Amendment "A" (S-325) proposed to remove those provisions related to the Seed Capital Tax Credit Program.

Senate Amendment "A" to Committee Amendment "A" (S-322), which was not adopted, proposed to remove those provisions related to the Seed Capital Tax Credit Program.

LD 1710

An Act to Clarify the Maine Biomedical Research Program

PUBLIC 196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-121

LD 1710 proposed that for purposes of receiving funds from the Maine Biomedical Research Program eligible institutions consist of nonprofit biomedical research institutions, academic medical centers or medical schools.

The bill further proposed to define specified grant sources to include federal agencies, nonprofit foundations, private corporations or out-of-state educational institutions that issue grants or contracts for peer-reviewed biomedical research where the grantee retains complete editorial control over the content of the research performed.

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The bill also proposed a definition for "private nonprofit biomedical research institution." The definition would be based upon the definition currently used by the Association of Independent Research Institutions.

The bill also proposed a definition for "academic medical center." This definition would be based upon that used by the Alliance of Independent Academic Medical Centers.

The bill also proposed a definition for "medical school."

The bill further proposed that the purpose of the biomedical Research Program would be to promote economic development and jobs in the State, and that the primary means for doing so that would be to make investments in institutions with a track record of attracting biomedical research funds to the State. A secondary purpose of the program would be to provide incentives for small biomedical research institutions to grow.

The bill also proposed to generalize the scope of biomedical research to include all diseases and biomedical mechanisms.

The bill also proposed to amend the application procedure to incorporate the amended definition of specified grant sources, and to clarify that the allocation of funds to eligible institutions be based on the funding that the institution has received or expended for the purpose of producing peer-reviewed biomedical research in on-site, "wetbench" laboratories in this State.

The bill also proposed to amend the section of the law pertaining to allocation of funds to incorporate the amended definition of specified grant sources.

The bill further proposed that the allocation formula must provide smaller institutions with an incentive to grow. It also proposed to repeal the minimum funding allocation provision in current law.

Finally, the bill proposed that rules adopted by the Department of Economic and Community Development to implement the Maine Biomedical Research Program would be routine technical rules.

Committee Amendment "A" (S-121) proposed to amend the original bill by establishing the Maine Biomedical Research Board. The amendment also transferred to that board from the Department of Economic and Community Development the administration of the Maine Biomedical Research Fund. The amendment also proposed to authorize the Maine Biomedical Research Board to contract with the Maine Technology Institute for such assistance as the board may require. The amendment also proposed to make technical corrections to the definition of an eligible institution. Finally, the amendment proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 196 makes several changes to the law governing eligibility for receiving funds from the Maine Biomedical Research Program. It clarifies that eligible institutions for purposes of receiving funds from the Maine Biomedical Research Program consist of nonprofit biomedical research institutions, academic medical centers or medical schools.

The law also defines specified grant sources to include federal agencies, nonprofit foundations, private corporations or out-of-state educational institutions that issue grants or contracts for peer-reviewed biomedical research where the grantee retains complete editorial control over the content of the research performed.

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The law defines "private nonprofit biomedical research institution." The definition is based upon that used by the Association of Independent Research Institutions. The law also defines "academic medical center" based upon the definition used by the Alliance of Independent Academic Medical Centers. The law also defines "medical school" for the purposes of clarifying eligibility requirements to receive grants.

The law establishes the Maine Biomedical Research Board. It transfers to that board from the Department of Economic and Community Development the administration of the Maine Biomedical Research Fund. The law authorizes the Maine Biomedical Research Board to contract with the Maine Technology Institute for such assistance as the board may require.

PL 2001, chapter 196 declares that the purpose of the biomedical Research Program is to promote economic development and jobs in the State, and that the primary means for doing so is to make investments in institutions with a track record of attracting biomedical research funds to the State. A secondary purpose of the program is to provide incentives for small biomedical research institutions to grow.

The law generalizes the scope of biomedical research to include all diseases and biomedical mechanisms.

The law also amends the application procedure to incorporate the amended definition of specified grant sources, and clarifies that the allocation of funds to eligible institutions must be based on the funding that the institution has received or expended for the purpose of producing peer-reviewed biomedical research in on-site, "wetbench" laboratories in this State.

PL 2001, chapter 196 also amends the section of the law pertaining to allocation of funds to incorporate the amended definition of specified grant sources. It states that the allocation formula must provide smaller institutions with an incentive to grow. It also repeals the minimum funding allocation provision.

The law also provides that rules adopted by the Department of Economic and Community Development to implement the Maine Biomedical Research Program are routine technical rules.

LD 1718

An Act Relating to Licensing Board Fee Caps

PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON SHOREY	OTP-AM	H-326 H-407 RICHARDSON

LD 1718 proposed to establish fee caps for the Charitable Solicitations Act and the massage therapists licensure law and proposed to raise existing fee caps for the Nursing Home Administrators Licensing Board, the Board of Licensing of Auctioneers, the Electricians' Examining Board, the Board of Hearing Aid Dealers and Fitters, the State Board of Examiners of Psychologists, the Radiologic Technology Board of Examiners and the Board of Boilers and Pressure Vessels. Consistent with Public Law 1999, chapter 685 and Public Law 1999, chapter 687, Part C, section 6, this bill proposed to shift the fee-making authority for the licensing boards identified above from the boards to the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation.

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Committee Amendment "A" (H-326) proposed to require the Director of Licensing and Registration within the Department of Professional and Financial Regulation to provide reasonable notice to the affected board of any fee change proposed by rule. The amendment also proposed to establish a reporting requirement to the Legislature by the director regarding fees and fee caps and proposed to add a fiscal note to the bill.

House Amendment "A" (H-407) corrects a clerical error in the bill.

LD 1723

An Act to Amend the Maine Athletic Commission Laws

**PUBLIC 166
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY RICHARDSON	OTP	

LD 1723 proposed to amend the laws regarding the Maine Athletic Commission by authorizing the commission to license and regulate professional wrestlers in the interest of public safety, reduces the gate tax on gate receipts from 15% per event to 5% per event and specifies the contents of reports of events filed by commissioners with the Department of Professional and Financial Regulation. In addition, the bill proposed to prohibit so-called "toughman," "badman" and "ultimate fighting matches" and events.

Enacted law summary

Public Law 2001, chapter 166 amends the laws regarding the Maine Athletic Commission by authorizing the commission to license and regulate professional wrestlers in the interest of public safety, reduces the gate tax on gate receipts from 15% per event to 5% per event and specifies the contents of reports of events filed by commissioners with the Department of Professional and Financial Regulation. In addition, the bill prohibits so-called "toughman," "badman" and "ultimate fighting" matches and events.

Public Law 2001, chapter 166 was enacted as an emergency measure effective May 15, 2001.

LD 1731

An Act to Require Registration of Building Contractors

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT		

LD 1731 proposed to require construction contractors who build or repair buildings and whose contracts with any consumer exceed \$4,500 to be registered with the State. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session pending a report from a subcommittee that is working with interested parties to amend the bill to establish a homebuilding contractor licensing process.

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LD 1737

An Act to Amend the Forester Licensing Law

PUBLIC 261

<u>Sponsor(s)</u> RICHARDSON SHOREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-396
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LD 1737 proposed to change the current methods to qualify for licensure as a forester or intern forester and to clarify the definition of certain terms, Board of Licensure of Foresters authority and standards of practice. In addition, the proposed changes would define the scope of practice for foresters and intern foresters. The bill also included a transition provision for license applicants who are in the process of applying for a license under the provisions of the Maine Revised Statutes, Title 32, chapter 75.

Committee Amendment "A" (H-396) proposed to amend the original bill by prohibiting the Board of Licensure of Foresters from adopting rules governing forest practices. It also proposed to authorize the board to grant a variance to an applicant for an intern forester license who does not hold a college degree. The amendment further proposed to require the board to adopt rules for the granting of a variance and to designate those rules as major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The amendment also proposed to establish that the rules adopted by the board governing the registration of foresters who supervise intern foresters are major substantive rules. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 261 changes the current methods to qualify for licensure as a forester or intern forester and clarifies the definition of certain terms, Board of Licensure of Foresters authority and standards of practice. In addition, the law defines the scope of practice for foresters and intern foresters. It also authorizes the board to grant a variance to an applicant for an intern forester license who does not hold a college degree. PL 2001, chapter 261 requires the Board of Licensure of Foresters to adopt rules for the granting of such a variance and designates those rules as major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The law also specifies that the rules adopted by the board governing the registration of foresters who supervise intern foresters are major substantive rules. The law includes a transition provision for license applicants who are in the process of applying for a license under the provisions of the Maine Revised Statutes, Title 32, chapter 75. Finally, the law prohibits the Board of Licensure of Foresters from adopting rules governing forest practices.

LD 1738

An Act to Clarify Certain Professional and Occupational Licensing Requirements

PUBLIC 260

<u>Sponsor(s)</u> CLOUGH SHOREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-397
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LD 1738 proposed to resolve ambiguities in the manufactured housing law and the manufactured housing warranties law regarding the scope of practice under the existing "mechanic" and "installer" licenses by creating replacement license categories of "mobile home mechanic" and "modular home mechanic." The bill also proposed to prohibit a manufacturer or dealer from requiring that a dispute arising from the manufacture, sale, installation or

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servicing of a manufactured housing unit in Maine must always be heard in another state. Additionally, the bill proposed to eliminate a penalty limitation that conflicts with the penalty provisions found in Title 10, section 8003, subsection 5, paragraph A-1 that are generally applicable to Office of Licensing and Registration licensing boards.

The bill also proposed to do the following:

1. Amend the law governing the membership of the Board of Dental Examiners to make the denturist position, which expired on January 1, 2001, a permanent position and would amend the laws governing licensure by endorsement for dentists and denturists by reducing the active practice requirement from 5 years to 3 years;
2. Amend the law concerning dealer-licensees of hearing aids by requiring that the notice provided by the dealer-licensee to the purchaser indicate that a full refund of the purchase price, less the reasonable price of the ear mold or molds and lab fees, be made to the purchaser if the purchaser returns the hearing aid within the 30-day trial period following the sale;
3. Amend the nursing laws to permit recent nursing school graduates to practice under the on-site delegation and supervision of a registered professional nurse in order to assist these graduates in attaining training and to help alleviate the current nursing shortage faced in this State;
4. Amend the Oil and Solid Fuel Board laws to rename the journeyman solid fuel license for the progression to master solid fuel license because there is not such a journeyman license;
5. Clarify the intended effect of a change in the Board of Accountancy law that would clarify that all partners, officers, shareholders, members or managers whose principal place of business is in the State, or who perform professional services in Maine must be licensed by the Board of Accountancy. A proposed corresponding change in the Maine Professional Service Corporation Act would allow for a licensed certified public accountant to form corporations with nonlicensed individuals, provided a simple majority of shareholders in a public accounting firm are licensed by the Board of Accountancy; and
6. Authorize the Board of Licensure in Medicine to delegate approval of applications for licensure and renewal to the board's staff.

Committee Amendment "A" (H-397) proposed to replace Part A of the bill with a clarification of the definition of "installation."

Enacted law summary

Public Law 2001, chapter 260 clarifies licensing requirements for certain professions and occupations. Part A of the law clarifies the definition of "installation" of manufactured housing. Part B of the law amends the law governing the membership of the Board of Dental Examiners to make the denturist position, which expired on January 1, 2001, a permanent position. Part B also amends the laws governing licensure by endorsement for dentists and denturists by reducing the active practice requirement from 5 years to 3 years. Part C of the law amends the law concerning hearing aid dealer-licensees by requiring that the notice provided by the dealer-licensee to the purchaser indicate that a full refund of the purchase price, less the reasonable price of the ear mold or molds and lab fees, be made to the purchaser if the purchaser returns the hearing aid within the 30-day trial period following the sale. Part D of the law amends current law governing the profession of nursing to permit recent nursing school graduates to practice under the on-site delegation and supervision of a registered professional nurse in order to assist these graduates in attaining training and to help alleviate the current nursing shortage faced in this

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State. Part D also provides the State Board of Nursing with the authority to appoint a subcommittee to hold informal conferences and enter into consent agreements in disciplinary matters. Part E of the law amends the Oil and Solid Fuel Board laws to rename the journeyman solid fuel license for the progression to master solid fuel license because there is not such a journeyman license. It also eliminates the board member position reserved for a manufacturer, importer or wholesaler of oil-burning equipment.

Part F of the law clarifies the intended effect of a change in the Board of Accountancy law. The amended language clarifies that all partners, officers, shareholders, members or managers whose principal place of business is in the State, or who perform professional services in Maine must be licensed by the Board of Accountancy. A corresponding change in the Maine Professional Service Corporation Act allows for a licensed certified public accountant to form corporations with nonlicensed individuals, provided a simple majority of shareholders in a public accounting firm are licensed by the Board of Accountancy. Part G of the law makes a necessary correction that resulted when Public Law 1999, chapter 386, Part U, section 3 reduced the required hours for licensure as an aesthetician. At that time, the minimum number of base hours for students to attend an aesthetics program either in a school setting or as a trainee was not adjusted accordingly. PL 2001, chapter 260 makes the corresponding adjustment. Finally, Part H of the law authorizes the Board of Licensure in Medicine to delegate approval of applications for licensure and renewal to the board's staff. Licensing decisions by staff may be appealed to the full board.

LD 1749 **Resolve, to Establish a Commission to Review Internet Policy** **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1749, which was a committee bill pursuant to Joint Order H.P. 1155, proposed to establish an 11-member commission to study issues related to the commercial uses of information on the Internet. The proposed Commission to Review Internet Policy would have been required to report its findings and recommendations to the Legislature by November 1, 2001. The Joint Standing Committee on Business and Economic Development voted to carry over the resolve to the Second Regular Session.

LD 1778 **Resolve, to Establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine** **DIED IN CONCURRENCE**

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

LD 1778, which was a committee bill pursuant to Joint Order H.P. 682, proposed to establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine. The 15-member commission would be required to submit a report with its findings and recommendations to the Joint Standing Committee on Business and Economic Development by December 1, 2001. Under the proposed resolve, the Joint Standing Committee on Business and Economic Development would be authorized to report out a bill to implement the recommendations of the commission.

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Committee Amendment "A" (H-549), which was not adopted, proposed to replace the appropriation section and to add a fiscal note to the resolve.

House Amendment "A" (H-636), which was not adopted, proposed to remove the emergency preamble and emergency clause from the resolve and to change the date for when the first meeting would be convened.

LD 1827 **Resolve, Directing the Department of Economic and Community Development to Study the Designation of Tourism Regions** **RESOLVE 59 EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1827, which was a committee bill pursuant to Joint Order H.P. 1301, proposed to direct the Department of Economic and Community Development to study the industry-designated tourism regions in the State to reflect the unique cultural attributes and economic needs of certain areas. The resolve proposed to require the department to consult with the tourism industry in conducting its study and to report its findings and recommendations to the Joint Standing Committee on Business and Economic Development before December 31, 2001.

Enacted law summary

Resolve 2001, chapter 59 directs the Department of Economic and Community Development to study the industry-designated tourism regions in the State to determine whether the regions reflect the unique cultural attributes and economic needs of certain areas. The department is required to consult with the tourism industry in conducting its study and to report its findings and recommendations to the Joint Standing Committee on Business and Economic Development before December 31, 2001.

Resolve 2001, chapter 59 was enacted as an emergency measure effective June 19, 2001.

SP 91 **JOINT ORDER - Relative to the Joint Standing Committee on Business and Economic Development Studying the Potential Alternatives for State Financing of the Construction of Meeting and Convention Facilities** **ONTP**

Sponsor(s)
YOUNGBLOOD

Committee Report

Amendments Adopted

Joint Order S.P. 91 proposed to require the Joint Standing Committee on Business and Economic Development to study the potential alternatives for state financing of the construction of meeting and convention facilities. In studying this issue, the committee would have been required to consider the findings of the Maine Meetings and Convention Committee established by the Department of Community and Economic Development in 1999. Under

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the joint order the committee would have been required to report out a bill to implement its recommendations to the Senate by January 15, 2002.

HP 868 **JOINT ORDER - Relative to Establishing the Joint Select Committee to Study the Necessity for Legislation Requiring Public Access to Rest Rooms by Service Stations Owned by Large, Out-of-State Companies** **ONTP**

<u>Sponsor(s)</u> RICHARD		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Joint Order H.P. 868 proposed to establish the Joint Select Committee to Study the Necessity for Legislation Requiring Public Access to Rest Rooms by Service Stations Owned by Large, Out-of-state Companies. The 3-member committee would have been required to report its findings and recommendations to the Second Regular Session of the 120th Legislature by November 1, 2001.

HP 1389 **JOINT STUDY ORDER – Joint Study Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers** **PASSED**

<u>Sponsor(s)</u> SAXL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Enacted law summary

HP 1389 established the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers. This Joint Order is essentially identical to Committee Amendment "A" to LD 455, which was a resolve with a similar title. The 13-member committee established under this joint order was directed to examine a number of issues related to handling and collection of returnable containers, including: operational costs of redemption centers to determine whether or not an increase in the reimbursement rate for handling costs is warranted; the interrelationships among beverage producers, distributors and redemption centers concerning collection of returnable containers; and the nature and extent of fraudulent redemptions. Pursuant to the Joint Order, the study committee must report its findings and recommendations to the Joint Standing Committee on Business and Economic Development by December 5, 2001.

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