

*Joint Standing Committee on Business, Research and Economic Development*

**LD 36**

**An Act to Protect the Privacy of Maine Nurses**

**PUBLIC 64**

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-9
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LD 36 proposed to ensure that the personal residence address and telephone number, and e-mail address if provided, of an applicant for licensure by the State Board of Nursing remain confidential unless the applicant provides a personal residence address, telephone number and e-mail address as the public contact address. It proposed to prohibit the disclosure of personal health information and personal residence address and telephone number except to other governmental licensing or disciplinary authorities or to any health care providers located within or outside this State that are concerned with granting, limiting or denying a nurse's employment or privileges.

**Committee Amendment "A" (S-9)** proposed to replace the bill. The amendment proposed that on or after July 1, 2004, applicants for licensure or for renewal of licensure by the State Board of Nursing would be required to provide the board with a professional address and telephone number, which would be public information, and a residential address and telephone number, which would be confidential unless furnished as the applicant's or licensee's public contact address. It also proposed to prohibit the disclosure of personal health information, except as otherwise permitted or required by law, and to remove from the original bill a provision allowing the board to share personal information with certain governmental authorities and health care providers.

***Enacted Law Summary***

Public Law 2003, chapter 64 provides that on or after July 1, 2004, applicants for licensure or for renewal of licensure by the State Board of Nursing must provide the board with a professional address and telephone number, which will be public information, and a residential address and telephone number, which will be confidential unless furnished as the applicant's or licensee's public contact address. It also prohibits the disclosure of personal health information, except as otherwise permitted or required by law.

**LD 42**

**An Act to Establish Rent Caps on Property in Southern Maine**

**ONTP**

<u>Sponsor(s)</u> LAVERRIERE-BOUC		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 42, which was a concept draft pursuant to Joint Rule 208, proposed to establish caps on residential rental property rates in southern Maine commensurate with the average wages earned by southern Maine residents.

**LD 75**

**An Act to Amend the Motor Vehicle Franchise Laws**

**ONTP**

<u>Sponsor(s)</u> RINES		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 75 proposed to permit a motor vehicle franchisor and a dealer to enter into an agreement for the reimbursement of warranty repairs if a majority of a motor vehicle franchisor's state dealers agree. Under the proposed bill, motor

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vehicle franchisors would have certified to the Secretary of State that a majority of their dealers participate under the agreement and that costs recovered are only those permitted by the agreement.

This bill was heard and worked in conjunction with LD 1294, which also proposed to amend the laws concerning the regulation of business practices between motor vehicle manufacturers, distributors and dealers.

### **LD 126                      An Act to Amend the Membership of the Propane and Natural Gas Board                      PUBLIC 420**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	ONTP      MAJ	H-503    SULLIVAN
HATCH PR	OTP-AM    MIN	

LD 126 proposed to add to the Propane and Natural Gas Board a board member who is a member of a labor organization in the building and construction industry.

**House Amendment "A" (H-503)** proposed to add an appropriations and allocations section to the bill.

**Committee Amendment "A" (S-20)**, which was not adopted, was the minority report of the Joint Standing Committee on Business, Research and Economic Development. The amendment proposed to require the new member of the Propane and Natural Gas Board to have at least 10 consecutive years of active experience in the propane or natural gas industry immediately preceding appointment. The amendment also proposed that the member must represent a labor organization in the pipefitting industry and proposed to add an appropriations and allocations section.

**House Amendment "A" to Committee Amendment "A" (H-94)**, which was not adopted, proposed to maintain the membership of the Propane and Natural Gas Board at 8 members. It proposed to retain the provision of the bill that would have exempted the member representing a labor organization from the requirement of at least 10 consecutive years of active experience in the propane or the natural gas industry immediately preceding appointment. It also proposed to strike the appropriation section from the amendment.

**House Amendment "B" to Committee Amendment "A" (H-120)**, which was not adopted, proposed to maintain the membership of the Propane and Natural Gas Board at 8 members. It proposed to retain the provision of the bill that would have exempted the member representing a labor organization from the requirement of at least 10 consecutive years of active experience in the propane or the natural gas industry immediately preceding appointment. It also proposed to strike the appropriation section from the amendment.

#### ***Enacted Law Summary***

Public Law 2003, chapter 420 adds to the Propane and Natural Gas Board a board member who is a member of a labor organization in the building and construction industry, and allocates funds for administrative costs associated with having an additional member.

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**LD 133**

**An Act to Clarify the Laws Relating to Public Water Systems**

**PUBLIC 33**

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

LD 133 proposed to rename the Board of Licensure of Water Treatment Plant Operators as the Board of Licensure of Water System Operators and change the membership of the board to include a representative of a "very small water system," as that term is defined in rules of the board. The bill also proposed to raise the limits on fees for examination and licensure from \$35 to \$70, and for renewal and restatement from \$30 to \$60. The bill proposed other changes to clarify that the board has licensing and regulatory powers over water distribution system operators as well as water treatment system operators.

***Enacted Law Summary***

Public Law 2003, chapter 33 renames the Board of Licensure of Water Treatment Plant Operators as the Board of Licensure of Water System Operators and changes the membership of the board to include a representative of a "very small water system," as that term is defined in rules of the board. The law also raises the limits on fees for examination and licensure from \$35 to \$70, and for renewal and reinstatement from \$30 to \$60. The law makes other changes to clarify that the board has licensing and regulatory powers over water distribution system operators as well as water treatment system operators.

**LD 178**

**An Act to Allow the Sale of Motorcycles on Sundays**

**ONTP**

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

LD 178 proposed to allow the sale of motorcycles on Sunday.

**LD 225**

**An Act To Amend the Requirements for a Journeyman Oil Burner Technician License**

**PUBLIC 11**

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

LD 225 proposed to allow a person to sit for the journeyman oil burner technician license exam if the person successfully completed a minimum one-year accredited heating course at a Maine technical college consisting, at a minimum, of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment and related systems. This option would supplement the provision of law that allows a person to sit for the exam if the person has at least one year of licensed practical experience as an apprentice oil burner technician or 6 months of practical experience combined with completion of an oil burner technician course.

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**Enacted Law Summary**

Public Law 2003, chapter 11 allows a person to sit for the journeyman oil burner technician license exam if the person successfully completes a minimum one-year accredited heating course at a Maine technical college consisting, at a minimum, of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment and related systems. This option supplements the provision of law that allows a person to sit for the exam if the person has at least one year of licensed practical experience as an apprentice oil burner technician or 6 months of practical experience combined with completion of an oil burner technician course.

**LD 229**                      **An Act to Enact the Uniform Athlete Agents Act**                      **ONTP**

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

LD 229 proposed to enact the Uniform Athlete Agents Act. The bill also proposed to designate the Commissioner of Professional and Financial Regulation as the administrator of the law.

**LD 258**                      **An Act Regarding Social Worker and Human Service Provider  
Licensure**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC BROMLEY	ONTP	

LD 258 proposed to create a new category of licensure, a licensed human service provider, under a renamed State Board of Social Worker and Human Service Provider Licensure. The bill proposed to make necessary changes in social work licensure to accommodate the new category of licensure. The bill also proposed to update other laws, correct cross-references and make the new licensed human service providers mandatory reporters of child and adult abuse.

The committee worked this bill in conjunction with LD 1589, which also concerned social worker licensure.

**LD 263**                      **An Act to Define a Scope of Practice for Acupuncture**                      **CARRIED OVER**

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

LD 263 proposed to amend and update existing law governing acupuncture to set forth a scope of practice. The proposed defined scope of practice for acupuncturists is similar to that found in New Hampshire law, and proposed to incorporate of the definition of oriental medicine used in New Hampshire.

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**LD 268**                      **An Act to Support Entrepreneurship in the State Through the  
Maine Microenterprise Initiative Fund**    **ONTP**

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

LD 268 proposed to provide funds to the Maine Microenterprise Initiative Fund within the Department of Economic and Community Development for grants to organizations that provide business assistance services to microenterprises.

The Maine Microenterprise Initiative Fund received funding through PL 2003, chapter 451 (the "Part 2 Budget").

**LD 275**                      **An Act Concerning the Membership of the Board of Dental  
Examiners**    **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	ONTP	

LD 275 proposed to increase the number of members of the Board of Dental Examiners from 8 to 9 by adding a 6th member of the dental profession.

**LD 287**                      **An Act To Amend the Home Construction Contracts Laws**    **PUBLIC 85**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G GILMAN	OTP-AM	H-88

LD 287 proposed to increase the monetary amount at which a written home construction contract is required from \$1,400 to \$5,000. It also proposed to allow a change in the commencement and completion dates of a project if the contractor is unable to work at the project site due to the lack of readiness of the site or the unavailability of building materials.

**Committee Amendment "A" (H-88)** proposed to decrease the monetary amount at which a written home construction contract is required from \$5,000 in the bill to \$3,000. It also proposed to allow a change in the commencement and completion dates of a project if the contractor is unable to work at the project site due to circumstances beyond the control of the contractor, whereas the bill specified only the lack of readiness of the site or the unavailability of building materials.

*Enacted Law Summary*

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Public Law 2003, chapter 85 increases the monetary amount at which a written home construction contract is required from \$1,400 to \$3,000. It also allows a change in the commencement and completion dates of a project if the contractor is unable to work at the project site due to circumstances beyond the control of the contractor.

**LD 296**                      **An Act Regarding the Licensing of Foresters**                      **ONTP**

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

LD 296 proposed to require the Board of Licensure of Foresters to send a renewal notice prior to the expiration of a forester's license and a second notice to a forester who fails to renew within 30 days of the expiration of a license. This bill also proposed to allow a person whose license expired December 31, 2001 or December 31, 2002 to be reinstated as a licensed forester.

**LD 307**                      **An Act To Allow Licensed Master Social Workers To Contract with Agencies in the State**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC BROMLEY	ONTP	

LD 307 proposed to allow licensed master social workers to perform social work for an agency on a contractual basis. Under the proposed bill, this work would have fulfilled licensure requirements.

**LD 335**                      **An Act To Stimulate Economic Growth in Northern Penobscot County**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART CARR	OTP-AM	S-65

LD 335 proposed to provide funds for the business development program within the Department of Economic and Community Development to continue funding for the contracted Economic Development Director position for the Lincoln Lakes Region Development Corporation.

**Committee Amendment "A" (S-65)** proposed to replace the bill. It proposed to reduce the appropriation for the business development program within the Department of Economic and Community Development from \$64,450 in FY 2003-04 and \$66,950 in FY 2004-05 to \$50,000 in fiscal year 2003-04 only for the contracted Economic Development Director position for the Lincoln Lakes Region Development Corporation.

LD 335 died on adjournment, but the substance of the bill was funded in the "Part 1 Budget," PL 2003, chapter 20.

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**LD 337**                      **An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development**                      **CARRIED OVER**

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

LD 337 proposes to provide \$2,000,000 in fiscal year 2003-2004 and \$5,000,000 in 2004-2005 for the Maine Economic Improvement Fund for applied research and development in the University of Maine System. The bill was recommitted to the Joint Standing Committee on Appropriations and Financial Affairs and carried over.

**LD 341**                      **An Act To Require Information on New Wells**                      **PUBLIC 126**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROGERS YOUNGBLOOD	OTP-AM	H-164

LD 341 proposed to require well contractors to provide information on the caps of drilled wells indicating the date drilled, the depth of the well and the well yield rate.

**Committee Amendment "A" (H-164)** proposed to replace the bill. The amendment proposed to require the Maine Water Well Commission to develop rules to ensure that well contractors record and maintain information in a permanent manner, including, but not limited to, the name of the contractor, the date of the work, the depth of the well and the well yield rate. The amendment proposed to provide that these rules would be routine technical rules.

***Enacted Law Summary***

Public Law 2003, chapter 126 requires the Maine Water Well Commission to develop rules to ensure that well contractors record and maintain information in a permanent manner, including, but not limited to, the name of the contractor, the date of the work, the depth of the well and the well yield rate. The law provides that the rules so adopted are routine technical rules.

**LD 383**                      **An Act to Enhance Public Participation in Matters Before Professional Licensing Boards**                      **ONTP**

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

LD 383 proposed to ensure members of the public a reasonable opportunity to provide oral testimony at public meetings of professional or occupational licensing boards if that testimony is relevant to an issue before the professional or occupational licensing board.

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**LD 384**                      **Resolve, Directing the Maine State Housing Authority To Study**                      **ONTP**  
**Ways To Promote Construction of Affordable Housing for Veterans**

<u>Sponsor(s)</u> SUSLOVIC DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 384 proposed to direct the Maine State Housing Authority to examine ways to promote the construction of affordable housing for veterans.

**LD 391**                      **An Act To Provide Consumers at Chain Restaurants with Accurate, CARRIED OVER**  
**Accessible Nutrition Information**

<u>Sponsor(s)</u> FAIRCLOTH BROMLEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 391 proposes to give the Department of Human Services rule-making authority. The bill also proposes to require that, beginning July 1, 2004, restaurants with 20 or more locations in the nation provide nutrition information on menu boards, menus and packaging.

**LD 396**                      **An Act To Allow Dealers of Manufactured Housing To Install Oil**                      **PUBLIC 89**  
**Tanks**

<u>Sponsor(s)</u> BENNETT R		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-23
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LD 396 proposed to allow licensed dealers of manufactured housing to install oil tanks.

**Committee Amendment "A" (S-23)** proposed to replace the bill. The amendment proposed to allow an employee of a manufactured housing dealer or owner of a manufactured housing dealership to install oil tanks in housing sold by the dealer or dealership if the employee or owner were the named corecipient of a joint limited license issued for this purpose. The amendment proposed to require that in order to receive the joint limited license the named employee or owner would complete 4 hours of training, and that the license would be revoked upon that employee's termination from the dealer's employ or the owner's dealership ceasing to operate as a manufactured housing dealer.

***Enacted Law Summary***

Public Law 2003, chapter 89 allows an employee of a manufactured housing dealer or owner of a manufactured housing dealership to install oil tanks in housing sold by the dealer or dealership if the employee or owner is the named corecipient of a joint limited license issued for this limited purpose. The joint limited license requires the named employee or owner to complete 4 hours of training, and is revoked upon that employee's termination from the dealer's employ or the owner's dealership ceasing to operate as a manufactured housing dealer.

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**LD 401**                      **An Act To Require the Plumbers' Examining Board To Adopt the Uniform Plumbing Code**                      **ONTP**

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

LD 401 proposed to require the Plumbers' Examining Board to adopt the Uniform Plumbing Code as the new plumbing code for the State.

This bill was worked in conjunction with LD 1025, which concerned adoption of statewide codes and was carried over.

**LD 453**                      **An Act To Promote the Development of Affordable Housing**                      **ONTP**

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

LD 453 proposed to exempt affordable housing as currently defined in statute from municipal building impact fees, moratoria and limits on the number of building permits issued.

This bill was heard and worked in conjunction with LD 472, which concerned similar subject matter.

**LD 472**                      **Resolve, To Establish the Task Force To Study Regulatory Barriers to Affordable Housing**                      **RESOLVE 73  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	H-145 H-273 SUSLOVIC S-265 GAGNON

LD 472 proposed to establish the Task Force to Study Regulatory Barriers to Affordable Housing.

**Committee Amendment "A" (H-145)** proposed to strike the resolve and direct the Community Preservation Advisory Committee to study barriers to affordable housing in the State and to submit a report to the Joint Standing Committee on Business, Research and Economic Development in the Second Regular Session of the 121st Legislature. That amendment proposed that the report include any legislation necessary to implement the recommendations of the advisory committee.

The amendment proposed to require that the advisory committee's study include, without limitation, state rules or local regulations that inhibit the construction of new affordable housing units or the renovation of existing buildings for the purpose of creating affordable housing units; zoning or zoning practices that create barriers to affordable housing; laws pertaining to municipal impact fees; municipal moratoria on development permits; municipal rate of growth ordinances; barriers to the creation of affordable rental housing, including the unavailability of deposit assistance; barriers to the construction or availability of affordable housing for veterans, seniors, retirees, persons

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with disabilities and homeless persons; and other barriers to the construction or availability of affordable housing identified by the advisory committee or stakeholders.

The amendment proposed that, in conducting its study, the advisory committee consult with a broad range of stakeholders including public and private organizations, elected officials and others involved with affordable housing issues.

The amendment also proposed to authorize the Joint Standing Committee on Business, Research and Economic Development to report out legislation during the Second Regular Session of the 121st Legislature on issues pertaining to barriers to affordable housing.

**House Amendment "A" to Committee Amendment "A" (H-273)** proposed to remove the emergency preamble and the emergency clause from the committee amendment.

**Senate Amendment "A" to Committee Amendment "A" (S-265)** proposed to clarify the reporting requirements by mandating that the Community Preservation Advisory Committee's findings and recommendations, including any suggested legislation, be included in the annual report already required by statute and to change the reporting date to December 1, 2003.

### *Enacted Law Summary*

Resolve 2003, chapter 73 directs the Community Preservation Advisory Committee to study barriers to affordable housing in the State. The recommendations of the advisory committee, including suggested legislation, are to be incorporated into the advisory committee's annual report required under Title 30-A, section 4350, subsection 9. A copy of that report must be provided to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2003.

In conducting its study, the Community Preservation Advisory Committee must study state rules or local regulations that inhibit the construction of new affordable housing units or the renovation of existing buildings for the purpose of creating affordable housing units; zoning or zoning practices that create barriers to affordable housing; laws pertaining to municipal impact fees; municipal moratoria on development permits; municipal rate of growth ordinances; barriers to the creation of affordable rental housing, including the unavailability of deposit assistance; barriers to the construction or availability of affordable housing for veterans, seniors, retirees, persons with disabilities and homeless persons; and other barriers to the construction or availability of affordable housing identified by the advisory committee or stakeholders. The resolve also requires that the advisory committee consult with a broad range of stakeholders including public and private organizations, elected officials and others involved with affordable housing issues in conducting its study.

The resolve also authorizes the Joint Standing Committee on Business, Research and Economic Development to report out legislation during the Second Regular Session of the 121st Legislature on issues pertaining to barriers to affordable housing.

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**LD 498**                      **An Act To Regulate Business Practices between Manufacturers, Distributors and Dealers of Power Equipment, Machinery and Appliances**                      **ONTP**

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

LD 498 proposed to require that franchisors of power equipment, machinery and appliances reimburse franchisees at the franchisees' retail rates for parts or labor supplied in satisfaction of the franchisors' warranties. The bill also proposed to require that franchisors approve or disapprove franchisees' reimbursement claims within 30 days of submission and pay claims within 30 days of approval. Finally, the bill proposed to enable franchisees who bring successful legal actions for reimbursement to receive costs and legal fees and prohibit certain agreements that would impair the franchisees' ability to perform warranty work in a professional manner.

**LD 500**                      **An Act To Ensure Supervision and Oversight of the Board of Registration for Professional Engineers**                      **ONTP**

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

LD 500 proposed to increase the Department of Professional and Financial Regulation's oversight over the Board of Registration for Professional Engineers.

Under existing law, the Board of Registration for Professional Engineers was one of the professional regulatory boards affiliated with the Department of Professional and Financial Regulation. This bill proposed to move the Board of Registration for Professional Engineers to the list of regulatory boards that comprise the Office of Licensing and Registration within the Department of Professional and Financial Regulation.

**LD 501**                      **An Act To Allow Local Plumbing Inspectors To Assist the Plumbers' Examining Board in Establishing the State Plumbing Code**                      **ONTP**

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

LD 501 proposed to require the Plumbers' Examining Board, in adopting a plumbing code, to solicit input and comments from local plumbing inspectors.

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**LD 512**                      **An Act To Promote Economic Development in Rural Maine**                      **ONTP**

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

LD 512, which was a concept draft pursuant to Joint Rule 208, proposed to promote economic development in rural Maine.

**LD 539**                      **An Act To Study Maine-Canada Issues**                      **ONTP**

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

LD 539, which was a concept draft pursuant to Joint Rule 208, proposed to establish a study commission to investigate, discuss and report on various Maine-Canada issues such as trade, economic development, Canadian ownership of Maine-based companies, employment and tax matters. Under the proposed bill, the commission would have been required to report back to the Legislature with its findings and legislation necessary to improve or alleviate problems between Maine and Canada.

The substance of this bill was incorporated into LD 607, which concerned similar subject matter.

**LD 580**                      **An Act Concerning the Fair Application of the Mechanic's Lien Laws**                      **ONTP**

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

LD 580 proposed to eliminate the nonresidential exemption to the prior notice requirement of the mechanic's lien law. The mechanic's lien law permits a subcontractor or material supplier to collect from a residential customer directly when that subcontractor or material supplier has not been paid by the general contractor, even if the residential customer has paid the general contractor. Thus, the residential customer may end up paying twice for services or materials, but only if the residential customer is given prior notice of the possibility that that customer may have to pay twice. There is no requirement that nonresidential customers be given such prior notice.

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**LD 607**

**Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses**

**RESOLVE 87**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CRAVEN	OTP-AM	S-22 S-296 CATHCART

LD 607 proposed to direct the Department of Economic and Community Development and the Executive Department, State Planning Office to study the positive and negative effects of the North American Free Trade Agreement, with particular emphasis on several important business sectors, and to permit the Department of Economic and Community Development to submit legislation for consideration in the Second Regular Session of the 121st Legislature to help expand business opportunities under and minimize adverse effects of NAFTA.

**Committee Amendment "A" (S-22)** proposed to specify that the study assess the impacts of NAFTA on small businesses throughout the State and include an assessment of imports and other cross-border commerce issues and effects on the natural resource-based industries of the State.

The amendment also proposed to add a one-time appropriation of \$75,000 in fiscal year 2003-04 to fund the study and to change the title of the resolve to reflect the changes proposed in this amendment.

**Senate Amendment "A" to Committee Amendment "A" (S-296)** proposed to reduce the one-time appropriation from \$75,000 to \$25,000.

***Enacted Law Summary***

Resolve 2003, chapter 87 directs the Department of Economic and Community Development and the Executive Department, State Planning Office to study the positive and negative effects of the North American Free Trade Agreement, with particular emphasis on several important business sectors, including an assessment of the impacts of NAFTA on small businesses throughout the State and an assessment of imports and other cross-border commerce issues and effects on the natural resource-based industries of the State. This resolve also permits the Department of Economic and Community Development to submit legislation for consideration in the Second Regular Session of the 121st Legislature to help expand business opportunities under and minimize adverse effects of NAFTA.

**LD 649**

**An Act To Allow the Practice of Optometry on the Same Premises As an Optical Shop or Other Establishment**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN HATCH PH	ONTP	

LD 649 proposed to do the following:

1. Eliminate the prohibition on optometric practice on premises where nonoptometric materials are dispensed;
2. Eliminate the existing prohibition on "mercantile employment" of optometrists by clarifying related provisions;

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3. Eliminate the prohibition on associations by any optometrist with a person, firm or corporation who is not a registered optometrist;
4. Permit optometrists to practice under a trade name like other medical professionals; and
5. Authorize contracts for the practice of optometry in or on the premises of an optical shop or commercial or mercantile establishment and permit the joint marketing of the optometrist and mercantile or retail establishment.

**LD 663**

**An Act To Create Economic Development Zones**

**ONTP**

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

LD 663 proposed to create the Economic Development Zone Program within the Department of Economic and Community Development, Office of Tourism and Community Development. The purpose of the program would have been to identify those areas of the State with high unemployment as economic development zones and to coordinate the department's economic development expenditures to ensure that at least 45% of the department's economic development expenditures are directed to those economic development zones and used for economic development activities that reduce unemployment in those areas.

The bill also proposed to require the Commissioner of Economic and Community Development to provisionally adopt major substantive rules implementing the program and submit them to the Legislature for review no later than January 1, 2004.

Lastly, the bill proposed to repeal this program January 1, 2007.

**LD 682**

**An Act To Change the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector**

**PUBLIC 107**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM MAJ ONTP MIN	H-110 SULLIVAN H-89

LD 682 proposed to expand the membership of the Plumbers' Examining Board to include one member who is a local plumbing inspector.

**Committee Amendment "A" (H-89)**, which was the committee's majority report and was adopted, proposed to replace the bill. The amendment proposed to change the membership of the Plumbers' Examining Board by substituting a local plumbing inspector who has been engaged in plumbing inspections for at least 4 years and is employed by a municipality for one of the journeyman plumbers currently on the board. The amendment proposed to take effect on September 24, 2004, which is the expiration date of the term of the current board member who is a local plumbing inspector.

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**House Amendment "A" to Committee Amendment "A" (H-110)** proposed to change the effective date of the bill from September 24, 2004 to June 19, 2005.

***Enacted Law Summary***

Public Law 2003, chapter 107 changes the membership of the Plumbers' Examining Board by substituting a local plumbing inspector who has been engaged in plumbing inspections for at least 4 years and is employed by a municipality for one of the journeyman plumbers currently on the board. The law takes effect on June 19, 2005. The law should be read in conjunction with Public Law 2003, chapter 446 which also affects the composition of the Plumbers' Examining Board.

**LD 688                      An Act To Provide Incentives for Municipalities To Adopt a Building Rehabilitation Code                      ONTP**

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

LD 688 proposed to provide that a municipality that adopts the rehabilitation component of a nationally recognized building code must be given preference for economic development grants administered by the Department of Economic and Community Development.

This bill was worked in conjunction with LD 1025, which concerned adoption of statewide codes and was carried over.

**LD 692                      An Act To Protect Consumer Privacy Rights                      CARRIED OVER**

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

LD 692 proposes to prohibit the denial of goods or services to an individual because the individual refuses to provide a social security number and to exempt from this prohibition those circumstances in which current law provides for collection of social security numbers.

The committee reported out the bill with a divided report, including a majority Ought Not to Pass report and a minority Ought to Pass as Amended report. The minority report proposed to clarify that current state or federal law allowing collection of social security numbers would not be affected by the bill, and proposed to exempt financial institutions from the bill. The bill was later recommitted to the committee, which voted to carry the bill over beyond adjournment of the First Regular Session.

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**LD 708**                      **An Act To Allow Limited Sunday Sales of Automobiles**                      **ONTP**

<u>Sponsor(s)</u> NASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 708 proposed to allow a motor vehicle dealership to be operated on Sunday between the hours of 12:00 p.m. and 4:00 p.m. if that business is located within 10 miles of the New Hampshire border.

**LD 710**                      **An Act To Amend the Membership of the Plumbers' Examining Board**                      **PUBLIC 446**

<u>Sponsor(s)</u> BRYANT PATRICK		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u> S-157 S-222    BRYANT
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LD 710 proposed to amend the membership of the Plumbers' Examining Board to add a 6th member who is a master plumber and also a member of a bona fide labor organization.

**Committee Amendment "A" (S-157)**, which was the committee's majority report and was adopted, proposed to maintain the current number of board members at 5, 2 of whom are master plumbers, but retain the bill's requirement that one of the 2 master plumbers on the board also be a member of a bona fide labor organization.

**Senate Amendment "A" (S-222)** proposed to add an effective date of September 21, 2004 and make changes to be consistent with changes made to the Maine Revised Statutes, Title 32, section 3401 by Public Law 2003, chapter 107 to take effect June 19, 2005.

***Enacted Law Summary***

Public Law 2003, chapter 446 changes the membership of the Plumbers' Examining Board by requiring that one of the 2 members of the board who are master plumbers must also be a member of a bona fide labor organization. The law takes effect on September 21, 2004. The law should be read in conjunction with Public Law 2003, chapter 107 which also affects the composition of the Plumbers' Examining Board.

**LD 735**                      **An Act to Increase Faculty in Maine Nursing Education Programs**                      **ONTP**

<u>Sponsor(s)</u> RICHARDSON J DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 735 proposed to create the nursing education loan repayment program and fund, to be administered by the Finance Authority of Maine, for the purpose of increasing nursing faculty at nursing education programs in the State. Under the proposed bill, the program would repay up to \$4,500 of education loans for a master's degree and up to \$6,000 of education loans for a doctoral degree for a nurse who commits to working as faculty in a nursing

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education program in the State for a minimum of 3 years after acceptance into the program. This bill also proposed to appropriate \$50,000 from the General Fund each year for the next 2 years to finance the program.

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LD 748

**Resolve, Directing the Department of Labor To Publish Annually Economic and Workforce Information Concerning the Canadian Maritime Provinces**

**RESOLVE 15**

<u>Sponsor(s)</u> SHERMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-184
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LD 748 proposed to direct the Department of Labor and the Department of Economic and Community Development to include in their economic and workforce comparison reports data comparing the economy and workforce of the Canadian Maritime Provinces to the economy and workforce of the State.

**Committee Amendment "A" (H-184)** proposed to replace the resolve. The amendment proposed to direct only the Department of Labor, rather than the Department of Labor and the Department of Economic and Community Development, to provide information comparing the economy and workforce of the Canadian Maritime Provinces to the economy and workforce of the State. The amendment also proposed to replace the resolve's specific direction that the information be provided in existing regional economic and workforce comparison reports with a general direction that the department publish the information annually.

***Enacted Law Summary***

Resolve 2003, chapter 15 directs the Department of Labor to provide information comparing the economy and workforce of the Canadian Maritime Provinces to the economy and workforce of the State. The resolve directs the department to publish the information annually.

LD 764

**An Act To Ensure Choice for Maine Consumers**

**ONTP**

<u>Sponsor(s)</u> MAYO PATRICK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 764 proposed to allow cigarette manufacturers and retailers to enter into promotional or discount agreements. The bill proposed to prohibit cigarette manufacturers from requiring that the retailer do the following:

1. Dedicate a specified percentage of its shelf space to the manufacturer; or
2. Cease or limit its stocking of, or raise its prices on, cigarettes from a competing manufacturer.

The bill also proposed to bar manufacturers from dictating the size or location of the space used by the retailer to stock, display, promote or advertise cigarettes.

As proposed, the bill would not have applied to contracts or agreements in existence on its effective date, but would have applied to renewals or extensions. The bill also proposed to provide for enforcement by the Attorney General and by a private right of action.

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**LD 826**                      **Resolve, To Allow Certain State Employees To Be Voting Board Members of Project SHARE**                      **RESOLVE 8**

<u>Sponsor(s)</u> DUNLAP EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-114
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LD 826 proposed to allow an employee of the Department of Environmental Protection, Department of Conservation or the Maine Atlantic Salmon Commission to serve on the steering committee of Project SHARE.

**Committee Amendment "A" (H-114)** proposed to replace the resolve. The amendment proposed to allow an employee of the Department of Environmental Protection, the Department of Conservation, the Department of Marine Resources, the Department of Agriculture, Food and Rural Resources or the Department of Inland Fisheries and Wildlife to serve on behalf of the State as a member of the board of directors of the nonprofit corporation known as "Project SHARE," as long as the employee is elected to serve on the board pursuant to the bylaws of the corporation.

*Enacted Law Summary*

Resolve 2003, chapter 8 allows an employee of the Department of Environmental Protection, Department of Conservation or the Maine Atlantic Salmon Commission to serve on the steering committee of Project SHARE.

**LD 833**                      **An Act To Facilitate Economic Development in Maine**                      **ONTP**

<u>Sponsor(s)</u> MAIETTA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 833 proposed to require agencies that issue licenses to approve, deny, conditionally approve or conditionally deny an application for a license within 7 days of receiving the application, if the decision does not require an adjudicatory proceeding.

**LD 847**                      **An Act To Offer Zero-interest Loans to Employers Providing Bicycle Facilities**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SUSLOVIC BROMLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-181
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LD 847 proposed to create the Bicycling Assistance Loan Program within the Finance Authority of Maine to provide zero-interest loans to qualifying businesses for the purchase and installation of bicycle racks, showers and changing rooms for its employees. The bill proposed to require the authority to administer the loans through approved lenders and to charge the costs of the interest subsidy to the Fund for a Healthy Maine, contingent upon the availability of funds in the Fund for a Healthy Maine.

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The bill also proposed to require the Finance Authority of Maine to adopt major substantive rules to implement the loan program, including provisions that specify the criteria for determining qualifying lenders, eligibility requirements for participation in the program by businesses, the maximum amount of loan or interest subsidy permitted under the program and the maximum term of loans allowed under the program.

**Committee Amendment "A" (H-181)** proposed to change the sources of funding for the Bicycling Assistance Loan Fund in the Finance Authority of Maine to allow it to be capitalized by grants, donations or other money received by the authority and any federal funds or other revenues allocated by the Legislature to the fund for those purposes. The amendment proposed that money in that fund be used to pay for the Finance Authority of Maine's costs to establish and administer the Bicycling Assistance Loan Program and for the loan interest rate subsidies necessary to provide zero-interest loans to qualifying businesses.

The amendment proposed to prohibit the authority from incurring any eligible costs for program implementation or loan subsidies unless the authority first determines that sufficient funds exist in the fund or the Fund for a Healthy Maine to pay those costs, except that the authority may not charge more than \$50,000 in eligible costs to the Fund for a Healthy Maine.

**LD 848**                      **An Act To Establish a Circuit Breaker Program for Fuel Assistance**                      **ONTP**

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 848 proposed to create the Maine Heating Fuel Assistance Program to provide reimbursement for heating fuel costs to taxpayers. Under the proposed bill, the Maine Heating Fuel Assistance Program would have been administered by the Maine State Housing Authority.

**LD 887**                      **An Act To Amend the Maine "Lemon Law"**                      **PUBLIC 337**

<u>Sponsor(s)</u> MCKEE TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-382
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LD 887 proposed to eliminate the laws that allow automobile manufacturers or their agents or dealers to deduct an allowance for mileage from the amount refunded to an automobile owner who qualifies for a refund under the State's "lemon law."

The bill also proposed to increase from one to five the number of arbitrators that must be involved in a "lemon law" arbitration process and to require that those arbitrators include a new car dealer, someone experienced in automobile mechanics and three public members.

The bill also proposed to add a provision to the criteria that establish when an automobile qualifies under the "lemon law" that states that an automobile qualifies if it has multiple problems that have not been successfully repaired after the vehicle has been out of service for 15 or more business days within the warranty term.

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**Committee Amendment "A" (H-382)** proposed to replace the bill. The amendment, which incorporates many changes to the Maine "Lemon Law" proposed by the Maine Office of the Attorney General in LR 1844 (which was not printed as an LD), proposed to amend the Maine "Lemon Law" by:

1. Expanding the term of protection under the lemon law from 2 to 3 years, the warranty period or 18,000 miles of operation, whichever occurs earliest;
2. Allowing consumers, after one repair attempt, to claim the presumption that a reasonable number of repair attempts have been undertaken when the claimed nonconformity has resulted in a serious failure of either the braking or steering systems in the vehicle;
3. Requiring that a motor vehicle surrendered to a manufacturer as a result of a settlement under the lemon law be affixed with a notice, when that vehicle is first offered for resale to the public, stating that the vehicle was the subject of a Maine Lemon Law settlement agreement;
4. Expanding the time limit for applying for lemon law state arbitration from 2 years to 3 years or to any time before expiration of the manufacturer's express warranties, whichever occurs earlier;
5. Eliminating the requirement that 2 attempts to repair the defect or defects must be made by the same dealer; and
6. Limiting the amount that may be deducted from the refund required under the lemon law for mileage to the mileage that is reported on the application accepted by the State for lemon law arbitration and any mileage directly attributable to use by a consumer beyond 20,000 miles.

### ***Enacted Law Summary***

Public Law 2003, chapter 337 amends the State's "lemon law" by:

1. Expanding the term of protection under the lemon law from 2 to 3 years, the warranty period or 18,000 miles of operation, whichever occurs earliest;
2. Allowing consumers, after one repair attempt, to claim the presumption that a reasonable number of repair attempts have been undertaken when the claimed nonconformity has resulted in a serious failure of either the braking or steering systems in the vehicle;
3. Requiring that a motor vehicle surrendered to a manufacturer as a result of a settlement under the lemon law be affixed with a notice, when that vehicle is first offered for resale to the public, stating that the vehicle was the subject of a Maine Lemon Law settlement agreement;
4. Expanding the time limit for applying for lemon law state arbitration from 2 years to 3 years or to any time before expiration of the manufacturer's express warranties, whichever occurs earlier;
5. Eliminating the requirement that 2 attempts to repair the defect or defects must be made by the same dealer; and
6. Limiting the amount that may be deducted from the refund required under the lemon law for mileage to the mileage that is reported on the application accepted by the State for lemon law arbitration and any mileage directly attributable to use by a consumer beyond 20,000 miles.

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**LD 904**

**An Act To Educate Consumers Regarding Voluntary Repossession**

**PUBLIC 98**

<u>Sponsor(s)</u> STANLEY CLARK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-42
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LD 904 proposed to require that dealers provide information to purchasers of new or used motor vehicles that are financed for purchase describing the purchaser's responsibility for paying a deficiency balance due on a repossessed vehicle.

**Committee Amendment "A" (S-42)** proposed to replace the bill with a requirement that a notice of a consumer's right to cure that is sent by a creditor to a consumer whose obligation is secured by a motor vehicle include a statement that if the motor vehicle is repossessed it may be sold by the creditor and that the difference between the net proceeds from that sale and the remaining balance may be owed by the consumer. The amendment proposed that this new notice provision apply only to notices sent on or after January 1, 2004.

***Enacted Law Summary***

Public Law 2003, chapter 98 requires that a notice of a consumer's right to cure that is sent by a creditor to a consumer whose obligation is secured by a motor vehicle include a statement that if the motor vehicle is repossessed it may be sold by the creditor and that the difference between the net proceeds from that sale and the remaining balance may be owed by the consumer. This new notice provision applies only to notices sent on or after January 1, 2004.

**LD 913**

**An Act To Increase Community Development Block Grants**

**ONTP**

<u>Sponsor(s)</u> JACKSON STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 913, which was a concept draft pursuant to Joint Rule 208, proposed to increase the amount available for home improvement loans through community development block grants.

**LD 918**

**An Act Concerning the Provision of Information and Services to Businesses and Workers in Response to Certain Events**

**PUBLIC 159  
EMERGENCY**

<u>Sponsor(s)</u> CLARK STANLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-183
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LD 918 proposed to designate the Department of Economic and Community Development as the lead agency for the State in coordinating the response of state agencies to an event that causes the Department of Labor to carry out rapid-response activities.

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**Committee Amendment "A" (H-183)** proposed to designate the Department of Economic and Community Development as the lead agency for providing information and business assistance to employers and businesses in response to an event that triggers rapid-response activities. The bill would have designated that department as the lead agency for the entire State response to such an event. The amendment proposed to retain for the Department of Labor its current role as the lead agency for providing assistance to workers affected by such an event and direct the Department of Labor, within 90 days from the effective date of the Act, to develop a directory of organizations that can provide resources to laid-off workers.

### ***Enacted Law Summary***

Public Law 2003, chapter 159 designates the Department of Economic and Community Development as the lead agency for providing information and business assistance to employers and businesses in response to an event that triggers rapid-response activities. The law retains for the Department of Labor its role as the lead agency for providing assistance to workers affected by such an event and directs the Department of Labor, within 90 days from the effective date of the law, to develop a directory of organizations that can provide resources to laid-off workers.

Public Law 2003, chapter 159 was enacted as an emergency measure effective May 14, 2003.

**LD 945**

### **An Act To Facilitate Communication between Prescribers and Dispensers of Prescription Medication**

**PUBLIC 483**

Sponsor(s)  
PERRY A  
SHOREY

Committee Report  
OTP-AM

Amendments Adopted  
H-457

LD 945 proposed to require the Department of Professional and Financial Regulation to establish by January 2, 2004 and maintain an electronic prescription monitoring program. The bill proposed that the program allow prescribers and dispensers to identify immediately persons engaging in fraud and deception in obtaining schedule II, III and IV prescription drugs and to assist prescribers and dispensers in the safe and appropriate treatment and medication of patients. The bill also proposed to provide for criminal penalties for misuse of the information.

**Committee Amendment "A" (H-457)** proposed to replace the bill. The amendment proposed to make the following changes to the bill:

1. Specify that the intent of the legislation is to detect and prevent substance abuse, not interfere with the legitimate medical use of controlled substances;
2. Designate the Department of Behavioral and Developmental Services, Office of Substance Abuse as the agency administering the prescription monitoring program and allow the office to receive funds from any public or private source;
3. Make implementation of the program contingent on the receipt of sufficient federal or private funding and specify that no general fund appropriation may be made to fund the program;
4. Cover prescriptions dispensed to any person in the State, rather than merely prescriptions actually dispensed in the State;

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5. Provide a list of items of information from which the office may choose requirements for submission;
6. Provide a dispenser with immunity from liability for disclosure of information if the disclosure was made pursuant to and in accordance with the requirements of the legislation;
7. Direct the office to establish thresholds that, when exceeded, would trigger notification; and
8. Direct the office to purge information after 6 years.

### ***Enacted Law Summary***

Public Law 2003, chapter 483 requires the Office of Substance Abuse within the Department of Behavioral and Developmental Services to establish by January 2, 2004 and to maintain an electronic prescription monitoring program. The program will allow prescribers and dispensers to identify immediately persons engaging in fraud and deception in obtaining schedule II, III and IV prescription drugs and to assist prescribers and dispensers in the safe and appropriate treatment and medication of patients. In addition, the law does the following:

1. It provides for criminal penalties for misuse of the information gathered through the program;
2. It specifies that the intent of the legislation is to detect and prevent substance abuse, not interfere with the legitimate medical use of controlled substances;
3. It allows the Office of Substance Abuse to receive funds from any public or private source for the program, makes implementation of the program contingent on the receipt of sufficient federal or private funding and specifies that no general fund appropriation may be made to fund the program;
4. It provides a list of items of information from which the office may choose requirements for submission;
5. It provides a dispenser with immunity from liability for disclosure of information if the disclosure was made pursuant to and in accordance with the requirements of the legislation;
6. It directs the office to establish thresholds that, when exceeded, will trigger notification; and
7. It directs the office to purge information after 6 years.

**LD 946**

**Resolve, To Establish the Commission To Promote Jobs and Economic Development through Ecotourism**

**ONTP**

Sponsor(s)  
FAIRCLOTH  
BRYANT

Committee Report  
ONTP

Amendments Adopted

LD 946 proposed to establish the Commission to Promote Jobs and Economic Development through Ecotourism.

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**LD 958**                      **An Act To Require the Display of Oil Prices on Home Heating Oil Delivery Trucks**                      **ONTP**

<u>Sponsor(s)</u> MAIETTA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 958 proposed to require that retailers of home heating oil display the price per gallon on their delivery trucks.

**LD 968**                      **An Act To Protect the Future of the U.S. Naval Air Station at Brunswick**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> MAYO RICHARDSON J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-37
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LD 968 proposed to provide a General Fund appropriation of \$100,000 to be used to support community-based responses to the military base closure process as they pertain to the U.S. Naval Air Station in Brunswick, Maine. The bill proposed that these funds be used to cover travel costs for research and meeting attendance, formulation of information requests for the Base Realignment and Closure Commission, expenses incurred from consultant technical assistance and other expenses necessary to promote a visible show of community support for this installation.

**Committee Amendment "A" (S-37)** proposed to alter the fiscal years indicated in the appropriation and allocation section.

Although this bill died on adjournment, a grant of \$50,000 in State funds is to be made available to implement the intent of this bill through the Department of Economic and Community Development's program to provide grants to municipalities to retain mature or dominant employers under the provisions to Title 5, section 13063-D.

**LD 969**                      **An Act To Ensure Equity in Mortgage Volume Fees**                      **PUBLIC 462 EMERGENCY**

<u>Sponsor(s)</u> BROMLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-554 RICHARDSON J S-186
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LD 969 proposed to reduce the volume fee paid by certain lending institutions for loans secured by an interest in land to \$10 for each \$100,000 of the amount loaned.

**Committee Amendment "A" (S-186)** proposed to replace the bill. The amendment proposed to enact a provision clarifying the State's policy on volume fees payable for the refinancing of a sale, lease or loan. The amendment also proposed to create the 14-member Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation, funded from Other Special Revenue funds within the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The amendment proposed that the Study Commission submit

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its report to the Joint Standing Committee on Business, Research and Economic Development and to the Joint Standing Committee on Insurance and Financial Services no later than December 10, 2003.

**House Amendment "A" to Committee Amendment "A" (H-554)** proposed to add an emergency preamble and emergency clause to the bill, to require the Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation to submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and to authorize the committee to submit a bill to the Legislature at the time of submission of its report.

***Enacted Law Summary***

Public Law 2003, chapter 462 clarifies the State's policy on payment of volume fees upon refinancing a sale, lease or loan. The law also creates the 14-member Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation. The committee is funded from Other Special Revenue funds within the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The committee is required to submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and is authorized to submit a bill to the Legislature at the time of submission of its report.

Public Law 2003, chapter 462 was enacted as an emergency measure effective June 16, 2003.

**LD 979**                      **An Act To Require Continuing Education for Professional Engineers**                      **PUBLIC 94**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS BROWN	OTP	H-109 SULLIVAN

LD 979 proposed to establish a continuing professional education requirement for engineers registered under the Maine Revised Statutes, Title 32, chapter 19.

**House Amendment "A" (H-109)** proposed to add an appropriation and allocation section to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 94 establishes a continuing professional education requirement for engineers registered under the Maine Revised Statutes, Title 32, chapter 19.

**LD 985**                      **An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees**                      **PUBLIC 499**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ OTP-AM MIN	S-217 S-307 CATHCART

LD 985 proposed to allow initiators of deposits for beverage containers, for example, manufacturers or distributors, to enter into commingling agreements that would allow dealers of the initiators' products and redemption centers to

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commingle the returned beverage containers according to the material, size or product group. It also proposed to increase the handling fee that initiators of deposit must pay to dealers or redemption centers by 2¢ per returned container, for a total handling fee of 5¢ per container. However, to encourage the use of commingling agreements, this bill also proposed to provide a discount on the handling fee of 1.5¢ per container if that container were subject to a commingling agreement that allows for commingling of containers of like material and size, for example, 12-ounce aluminum cans. If the commingling agreement also requires the containers to be sorted by product group, for example, 12-ounce aluminum beer cans, the initiator of deposit would only be entitled to a discount of 1¢ per container. The net effect would be that dealers or redemption centers would realize a gain of at least .5¢ but not more than 2¢ per beverage container.

This bill also proposed to require unclaimed deposits for beverage containers not subject to a commingling agreement to be turned over to the State for deposit into the General Fund.

**Committee Amendment "A" (S-217)**, which was the majority report of the committee and was adopted, proposed to do the following:

1. Require dealers and distributors to accept beverage containers processed through reverse vending machines;
2. Raise the handling fee to 3 1/2¢ for an initiator of deposit who, after January 1, 2004, fails to enter into a qualified commingling agreement;
3. Require an initiator of deposit, other than a bottler who produces no more than 50,000 gallons in a calendar year, to establish and maintain a deposit transaction fund and to report and pay to the Department of Administrative and Financial Services, Maine Revenue Services the amount in the fund attributable to unclaimed deposits on a monthly basis; and
4. Direct that abandoned deposit amounts be deposited into the General Fund.

**Senate Amendment "C" to Committee Amendment "A" (S-307)** proposed to change from January 1, 2004 to March 1, 2004 the date after which the handling fee is raised for an initiator of a beverage container deposit who does not enter into a qualified commingling agreement. The amendment also proposed to authorize the commingling of beverage containers of like product group and allow deposit initiators who establish a qualified commingling agreement to add products to their agreement if they are from a different product group but of the same material. The amendment also proposed to limit the provisions pertaining to unclaimed deposits to the those containers that are not subject to a commingling agreement. This amendment proposed to change Committee Amendment "A"'s small bottler exemption from the return of unclaimed deposit amounts to include a brewer who produces no more than 50,000 gallons of its product and a bottler of water who sells no more than 250,000 containers each containing no more than one gallon of its product per year. The amendment also proposed to exempt a brewer who annually produces no more than 50,000 gallons of its product or a bottler of water who annually sells no more than 250,000 containers each containing no more than one gallon of its product from the 1/2¢ handling fee increase for initiators who fail to enter a commingling agreement by June 1, 2004, and therefore to leave the handling fee at 3¢ for these small bottlers regardless of whether they enter into a commingling agreement.

**Committee Amendment "B" (S-218)**, which was the minority report of the committee and was not adopted, proposed to require dealers and distributors to accept beverage containers processed through reverse vending machines.

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**Senate Amendment "A" (S-245)**, which was not adopted, proposed to increase the handling fee that an initiator of a deposit must pay to a dealer or redemption center so that a dealer or redemption center would receive at least a 2¢ per returned container increase in the handling fee.

**Senate Amendment "A" to Committee Amendment "A" (S-244)**, which was not adopted, proposed to increase the handling fee that an initiator of a deposit must pay to a dealer or redemption center by 2¢ per returned container, beginning January 1, 2004.

**Senate Amendment "B" to Committee Amendment "A" (S-250)**, which was not adopted, proposed to change from January 1, 2004 to June 1, 2004 the date after which the handling fee is raised for an initiator of a beverage container deposit who does not enter into a qualified commingling agreement. The amendment also proposed to authorize the commingling of beverage containers of like product group and allow deposit initiators who establish a qualified commingling agreement to add products to their agreement if they are from a different product group but of the same material. The amendment also proposed to limit the provisions pertaining to unclaimed deposits to the those containers that are not subject to a commingling agreement. This amendment proposed to change Committee Amendment "A"'s small bottler exemption from the return of unclaimed deposit amounts to include a brewer who produces no more than 50,000 gallons of its product and a bottler of water who sells no more than 250,000 containers each containing no more than one gallon of its product per year. The amendment also proposed to exempt a brewer who annually produces no more than 50,000 gallons of its product or a bottler of water who annually sells no more than 250,000 containers each containing no more than one gallon of its product from the 1/2¢ handling fee increase for initiators who fail to enter a commingling agreement by June 1, 2004, and therefore to leave the handling fee at 3¢ for these small bottlers regardless of whether they enter into a commingling agreement.

### *Enacted Law Summary*

Public Law 2003, chapter 499 does the following:

1. It requires initiators of deposits for beverage containers to accept beverage containers processed through reverse vending machines;
2. It raises the handling fee to 3 1/2¢ for an initiator of deposit who, after March 1, 2004, fails to enter into a qualified commingling agreement;
3. It authorizes the commingling of beverage containers of like product group and allows deposit initiators who establish a qualified commingling agreement to add products to their agreement if they are from a different product group but of the same material;
4. It requires an initiator of deposit, other than certain small brewers and bottlers, to establish and maintain a deposit transaction fund and to report and pay to the Department of Administrative and Financial Services, Maine Revenue Services the amount in the fund attributable to unclaimed deposits on a monthly basis for those containers that are not subject to a commingling agreement; and
5. It directs that abandoned deposit amounts collected by Maine Revenue Services be deposited into the General Fund.

*Joint Standing Committee on Business, Research and Economic Development*

LD 989

**Resolve, To Establish a Task Force Concerning Speech-language Pathologists**

**RESOLVE 80  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO MAKAS	OTP-AM	H-552 RICHARDSON J H-591 DUPLESSIE S-185

LD 989 was a concept draft pursuant to Joint Rule 208. The concept draft proposed to transfer the licensure of individuals who provide speech pathologist services to Maine schools from the auspices of the Department of Professional and Financial Regulation and the Board of Examiners on Speech-language Pathology and Audiology under the Maine Revised Statutes, Title 32, chapter 77 to the Department of Education, thereby making such individuals subject to the department's rule-making authority. The concept draft also proposed to expand the number of training programs in order to provide local school departments with needed personnel, to allow out-of-state, degree-granting institutions to offer programs to meet Maine's personnel needs in the area of speech pathology and to allow certain speech pathology services to be delivered by individuals who hold less than a master's degree in speech pathology if those individuals are under the supervision of a master's-level speech pathologist.

**Committee Amendment "A" (S-185)** proposed to replace the concept draft. The amendment was a resolve that proposed to create a task force directed to study ways to increase the number of speech-language pathologists who provide services in Maine schools and the opportunities for postsecondary training and professional development programs in the State. The resolve proposed to direct the task force to submit a report, including findings, recommendations and recommended legislation, by January 15, 2004 to the Joint Standing Committee on Education and Cultural Affairs, the Commissioner of Education and the State Board of Education. In addition, the resolve proposed to direct that the agencies and entities represented on the task force absorb expenses incurred by the task force.

**House Amendment "A" to Committee Amendment "A" (H-552)** proposed to authorize the task force to submit its report to the Second Regular Session of the 121st Legislature rather than to the Joint Standing Committee on Education and Cultural Affairs. It also proposed to change the reporting date from January 15, 2004, to December 3, 2003, and to remove the provision allowing the Legislative Council to grant an extension of time for the task force to complete its study.

**House Amendment "B" to Committee Amendment "A" (H-591)** proposed to remove the emergency preamble and the emergency clause.

***Enacted Law Summary***

Resolve 2003, chapter 80 creates a task force that is directed to study ways to increase the number of speech-language pathologists who provide services in Maine schools and the opportunities for postsecondary training and professional development programs in the State. The task force is directed to submit a report, including findings, recommendations and recommended legislation, by December 3, 2003 to the Second Regular Session of the 121st Legislature, the Commissioner of Education and the State Board of Education. In addition, the resolve directs that the agencies and entities represented on the task force will absorb expenses incurred by the task force.

*Joint Standing Committee on Business, Research and Economic Development*

**LD 994**                      **Resolve, Directing the Department of Economic and Community Development To Inventory Maine Business Excellence**                      **ONTP**

<u>Sponsor(s)</u> BENNETT R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 994 proposed to direct the Department of Economic and Community Development to inventory and study the State's enterprises, industries and business clusters to determine what makes them exceptional.

**LD 995**                      **An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers**                      **PUBLIC 34**

<u>Sponsor(s)</u> LEMONT BROWN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 995 proposed to exempt a person who performs work only on vessels under 200 feet long from the laws governing professional engineers.

***Enacted Law Summary***

Public Law 2003, chapter 34 exempts a person who performs work only on vessels under 200 feet long from the laws governing professional engineers.

**LD 1004**                      **An Act To Clarify the Status of Regulated Water Utility Plumbing Permits**                      **PUBLIC 304**

<u>Sponsor(s)</u> DAVIS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-128
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LD 1004 proposed to direct the Plumbers' Examining Board to review and revise its rules to clarify and codify long-standing interpretation by water utilities and municipalities that excludes from permit requirements all installations of water meters, related valves and backflow prevention devices by a water utility or its contractor. The bill also proposed to specify that a municipality may not create a permit requirement for such installations.

**Committee Amendment "A" (S-128)** proposed to replace the bill. The amendment proposed to exempt the installation of stand-alone water meters, water meters in combination with nontestable backflow prevention devices and related valves by water utility personnel or water utility contractors from municipal plumbing inspection and permitting requirements. The amendment also proposed to require that a statement be included in any notice provided to a customer regarding entry to install such water meters or related valves that installation of a backflow preventor may necessitate installation by the customer of additional devices, such as an expansion tank, due to thermal expansion.

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### ***Enacted Law Summary***

Public Law 2003, chapter 304 exempts the installation of stand-alone water meters, water meters in combination with nontestable backflow prevention devices and related valves by water utility personnel or water utility contractors from municipal plumbing inspection and permitting requirements. It also requires that a statement be included in any notice provided to a customer regarding entry to install such water meters or related valves that installation of a backflow preventor may necessitate installation by the customer of additional devices, such as an expansion tank, due to thermal expansion.

**LD 1006**                      **An Act To Require Confirmation of Appointments to the Board of Accountancy**                      **ONTP**

<u>Sponsor(s)</u> BARSTOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1006 proposed to require that gubernatorial appointments to the Board of Accountancy be subject to review by the appropriate legislative committee and approval by the Senate.

**LD 1025**                      **An Act To Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State**                      **CARRIED OVER**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1025 proposes to establish the Office of Building Codes within the Department of Professional and Financial Regulation to ensure the uniform code compliance and efficient oversight of construction of new residential and commercial buildings in the State. The bill proposes to make that office responsible for providing testing and licensing standards for private building inspectors and establishing a fee schedule for building inspector services. This bill also proposes to require owners and developers of residential and commercial buildings to certify to the Office of Building Codes that a newly constructed building meets all applicable building and energy codes. It also proposes to require the department to submit a plan to the Joint Standing Committee on Business, Research and Economic Development prior to the Second Regular Session of the 121st Legislature to merge into the Office of Building Codes functions within existing agencies that are responsible for plumbing, electrical, fire and energy code inspections.

This bill was worked in conjunction with LD 401 and LD 688.

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**LD 1033**                      **An Act To Require the Maine State Housing Authority To Guarantee Security Deposits for Low-income Renters**                      **ONTP**

<u>Sponsor(s)</u> LAVERRIERE-BOUC		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1033 proposed to authorize the Maine State Housing Authority to guarantee the security deposit of a person who qualifies and receives rent assistance from the Federal Government as long as that person is capable of paying the security deposit to the landlord in monthly installments over a one-year period.

**LD 1054**                      **An Act To Require Continuing Education in the Cosmetology, Barbering, Aesthetics and Manicuring Fields**                      **ONTP**

<u>Sponsor(s)</u> BLISS		<u>Committee Report</u> ONTP      MAJ OTP      MIN		<u>Amendments Adopted</u>
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LD 1054 proposed to establish a continuing education requirement for people engaged in the practice of cosmetology, manicuring, aesthetics and barbering and set criteria for the applicants, the continuing education courses and the entities that provide the courses.

**LD 1085**                      **An Act To Provide Security Deposit Assistance to Renters Receiving Federal Rent Assistance**                      **ONTP**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1085 proposed to require the Maine State Housing Authority to pay the security deposit for a person who qualifies and receives rent assistance from the Federal Government. This bill also proposed to require that the security deposit be paid directly to the landlord.

**LD 1086**                      **An Act To Require a 30-Day Deferment Period To Pay Bills**                      **ONTP**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1086 proposed to allow consumers 30 days to pay a bill relating to a consumer transaction for goods or services.

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**LD 1092**

**An Act To Amend the Laws Pertaining to Denturists**

**ONTP**

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

LD 1092 proposed to remove denturists from the authority of the Board of Dental Examiners and create a new Board of Denturists under the jurisdiction of the Department of Professional and Financial Regulation.

**LD 1146**

**An Act To Allow Licensure of Graduates of Social Work Programs That Are in Candidacy for Accreditation**

**PUBLIC 211  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC	OTP-AM	H-182 S-109 BRENNAN

LD 1146 proposed to allow volunteer hours to count towards fulfilling the licensing requirements of a licensed clinical social worker if the hours are performed under the appropriate supervision and the applicant agrees in writing to follow the volunteer agency's rules of practice. This bill also proposed to allow graduates of an unaccredited social work or social welfare program administered by the University of Southern Maine to be licensed as long as the program is in the process of receiving accreditation.

**Committee Amendment "A" (H-182)** proposed to replace the bill. The amendment proposed to allow master social worker licensure of a graduate of a social work or social welfare program of an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization. The amendment also proposed to add an emergency preamble and an emergency clause.

**Senate Amendment "A" (S-109)** proposed to repeal on July 1, 2005 the language that allows master social worker licensure of a graduate of a social work or social welfare program of an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization.

***Enacted Law Summary***

Public Law 2003, chapter 211 allows, until July 1, 2005, master social worker licensure of a graduate of a social work or social welfare program of an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization.

Public Law 2003, chapter 211 was enacted as an emergency measure effective May 19, 2003.

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**LD 1152**                      **An Act To Authorize Collaborative Practice for Emergency Contraception**                      **CARRIED OVER**

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

LD 1152 proposes to authorize a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice. The bill also proposes to require a pharmacist who initiates emergency contraception drug therapy pursuant to these provisions to provide the recipient with a standardized fact sheet developed by the Department of Professional and Financial Regulation, Maine Board of Pharmacy, in consultation with the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other health care organizations. Finally, the bill proposes to require that prior to performing this procedure a pharmacist complete a specified training program.

**LD 1231**                      **An Act To Restrict Excessive Late Rental Fees for Self-service Storage Facilities**                      **PUBLIC 274**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BROMLEY	OTP-AM      MAJ ONTP        MIN	H-292

LD 1231, which was modeled on Ohio and Missouri law, proposed to prohibit operators of self-service storage facilities from imposing excessive rental fees. The bill proposed to require that the amount and the conditions for imposing the late fee be in writing. The bill also proposed to establish as a reasonable late fee \$20 for each late rental payment or 20% of the amount of each late rental payment, whichever is greater, and to authorize the operator and the occupant to contract for a higher late fee as long as the higher amount is reasonable. The bill also proposed to authorize an operator to recover from the occupant reasonable expenses incurred in rent collection or lien enforcement.

**Committee Amendment "A" (H-292)** was the majority report of the committee and was adopted. The amendment proposed to change the title to reflect that the bill only addresses late fees, to specify that the fees must be included in a written agreement in 12-point type and to delete language that would allow a late fee of greater than \$20 or 20% of a rental payment by rental agreement.

***Enacted Law Summary***

Public Law 2003, chapter 274 prohibits operators of self-service storage facilities from imposing excessive late rental fees. The law requires that the amount and the conditions for imposing the late fee be included in a written agreement in 12-point type. The law establishes as a reasonable late fee \$20 for each late rental payment or 20% of the amount of each late rental payment, whichever is greater, and authorizes an operator to recover from the occupant reasonable expenses incurred in rent collection or lien enforcement.

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**LD 1240**

**An Act To Amend the Regional Economic Development Revolving Loan Program**

**PUBLIC 195  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN STANLEY	OTP	H-198 KAELIN

LD 1240 proposed to amend the requirement of the Regional Economic Development Revolving Loan Program that borrowers obtaining loans of \$50,000 or less must receive a 2-to-one match of the funds borrowed from the program, to reduce the required match to a one-to-one match.

**House Amendment "A" (H-198)** proposed to add an emergency preamble and emergency clause to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 195 amends the requirement of the Regional Economic Development Revolving Loan Program that borrowers obtaining loans of \$50,000 or less must receive a 2-to-one match of the funds borrowed from the program, reducing the required match to a one-to-one match.

Public Law 2003, chapter 195 was enacted as an emergency measure effective May 16, 2003.

**LD 1243**

**An Act To Exclude Inclined Stairway Chairlifts from the Definition of Elevator**

**PUBLIC 292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANNIS	OTP-AM	H-360

LD 1243 proposed to remove inclined stairway chairlifts from the definition of "elevator," to establish an annual inspection fee cap of \$50 for such chairlifts and to direct the Board of Elevator and Tramway Safety to propose any changes to the laws governing the installation, operation, maintenance and use of such chairlifts necessitated by the exclusion of inclined stairway chairlifts from the definition of "elevator."

**Committee Amendment "A" (H-360)** proposed to exempt an inclined stairway chairlift from the definition of "elevator." The amendment proposed to replace the bill's definition of "inclined stairway chairlift" with new language that defines the device as a mechanized chair apparatus running on a track or rail along the side of a staircase. The amendment also proposed to remove these chairlifts from regulation and oversight by the Board of Elevator and Tramway Safety altogether.

The committee also directed that a letter be sent to the Joint Standing Committee on Health and Human Services requesting that chairlifts be included in that committee's review of the Department of Human Services' rules concerning assisted housing programs.

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**Enacted Law Summary**

Public Law 2003, chapter 292 defines "inclined stairway chairlift" as a mechanized chair apparatus running on a track or rail along the side of a staircase, and removes inclined stairway chairlifts from regulation and oversight by the Board of Elevator and Tramway Safety by removing these chairlifts from the definition of "elevator."

**LD 1257                    An Act To Increase Returnable Beverage Container Redemption Rates                    CARRIED OVER**

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

LD 1257 proposes to do the following:

1. Raise from 5¢ to 7¢ the deposit on refillable and nonrefillable beverage containers, except wine and spirits containers;
2. Raise from 15¢ to 20¢ the deposit on wine and spirits containers;
3. Specify that 1/2 of 1¢ of each deposit must be placed in the Beverage Container Enforcement Fund, which is used to fund the administrative and enforcement responsibilities under the bottle return laws of the Department of Agriculture, Food and Rural Resources; and
4. Increase the handling fee that initiators of deposit must pay to dealers or redemption centers from 3¢ to 4.5¢ and 5¢, depending on the type of beverage container.

**LD 1278                    An Act To Amend the Maine Health Security Act as It Relates to the Reporting of Registered Nurses by Health Care Providers                    ONTP**

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

LD 1278 proposed to amend the Maine Health Security Act as it relates to the reporting of registered nurses by health care providers and health care entities to the State Board of Nursing to provide that the State Board of Nursing should adopt rules for mandatory reporting of registered nurses.

**LD 1294                    An Act To Amend the Motor Vehicle Franchise Law                    PUBLIC 356**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP-AM	S-184

LD 1294 proposed to amend the laws concerning regulation of business practices between motor vehicle manufacturers, distributors and dealers.

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This bill proposed to prohibit automobile franchisors from recovering costs for reimbursing a franchisee for parts and labor and to create a 7-member Maine Motor Vehicle Franchise Board to resolve complaints between motor vehicle dealers and manufacturers. The bill also proposed to repeal the existing mediation process used to settle such disputes and to amend various timelines for certain notifications required by law. The bill also proposed to create a position in the Department of the Secretary of State, Bureau of Motor Vehicles, to serve as the chair of the Maine Motor Vehicle Franchise Board. As proposed in the bill, partial compensation for that position and all costs for the operation of the board would be paid entirely from the Maine Motor Vehicle Franchise Fund, which is funded by fees imposed in the law that are paid by automobile franchisees and franchisors. This bill also proposed to clarify that the right to succeed to ownership of a franchise by family members and other lawful successors applies to the retirement of the franchise owner as well as death or disability, and to clarify that a franchise agreement may not include any requirement that a franchisee establish or maintain exclusive facilities, personnel or display space for different lines of motor vehicles or related products.

This bill was heard and worked in conjunction with LD 75, which also proposed to amend the laws concerning the regulation of business practices between motor vehicle manufacturers, distributors and dealers.

**Committee Amendment "A" (S-184)** proposed to change the length of time allowed for filing various notices and claims proposed in the bill, to change the composition of the proposed Maine Motor Vehicle Franchise Board by reducing from 4 to 3 the number of members who are motor vehicle dealers and by increasing from one to 2 the number of public members and to clarify that the board, rather than the Secretary of State, has the authority to levy civil penalties for violations of the laws governing business practices between motor vehicle manufacturers, distributors and dealers.

The amendment also proposed to clarify that the position in the Bureau of Motor Vehicles is a full-time attorney position and that full compensation for that position, as well as costs for the operation of the board, are to be paid entirely from the proposed Maine Motor Vehicle Franchise Fund.

### ***Enacted Law Summary***

Public Law 2003, chapter 356 amends the laws concerning regulation of business practices between motor vehicle manufacturers, distributors and dealers. Specifically, this law prohibits automobile franchisors from recovering costs for reimbursing a franchisee for parts and labor and creates a 7-member Maine Motor Vehicle Franchise Board to resolve complaints between motor vehicle dealers and manufacturers. The Maine Motor Vehicle Franchise Board is not the exclusive venue for initially bringing a complaint, but if any party asserting claims or defenses under the Maine Revised Statutes, Title 10, chapter 204 or that could be brought under chapter 204 brings a complaint before the board, then all other civil actions or administrative actions must be tolled pending the outcome of proceedings before the board. This law also repeals the mediation requirements under the Maine Revised Statutes, Title 10, section 1173-A.

This law also clarifies that the right to succeed to ownership of a franchise by family members and other lawful successors applies to the retirement of the franchise owner as well as death or disability, clarifies that a franchise agreement may not include any requirement that a franchisee establish or maintain exclusive facilities, personnel or display space for different lines of motor vehicles or related products, changes the length of time allowed for filing various notices and claims, and grants the Maine Motor Vehicle Franchise Board, rather than the Secretary of State, the authority to levy civil penalties for violations of the laws governing business practices between motor vehicle manufacturers, distributors and dealers. The law also creates a full-time attorney position in the Department of the Secretary of State, Bureau of Motor Vehicles, who will serve as the chair of the Maine Motor Vehicle Franchise Board. Compensation for that position and all costs for the operation of the board are paid

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entirely from the Maine Motor Vehicle Franchise Fund, which is funded by fees imposed in the law that are paid by automobile franchisees and franchisors.

**LD 1305                      An Act To Require Water Tests Prior to the Sale of Homes                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE G NASS	ONTP      MAJ OTP        MIN	

LD 1305 proposed to require that the seller of residential real property with a private water supply provide to the purchaser the results of a water test. The bill also proposed to require the Real Estate Commission to adopt rules to ensure consistency with the requirements of disclosure of water test results.

**LD 1316                      An Act To Establish Medical Gas and Vacuum System Installer Certification                      ONTP**

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

LD 1316 proposed to create the State Board of Examiners for the Medical Gas and Vacuum System Industry and establish certification requirements for medical gas and vacuum system installers. The bill also proposed to create a permit system for those who apprentice as medical gas and vacuum system installers.

**LD 1325                      An Act To Encourage and Support Maine Owner-operated Small Businesses                      CARRIED OVER**

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

LD 1325 is a concept draft pursuant to Joint Rule 208. It proposes to direct the Department of Economic and Community Development to provide certain programming and resources specifically to owner-operated small businesses in this State.

**LD 1326                      An Act To Provide for the 2003 and 2004 Allocations of the State Ceiling on Private Activity Bonds                      P & S 17 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SULLIVAN	OTP-AM	S-73

LD 1326 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2003 and 2004. Under federal law, a maximum of \$228,580,000 in tax-exempt bonds benefiting private

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individuals or entities may be issued in Maine in 2003 and a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds as follows: to the Treasurer of State, \$20,000,000 in 2003 and \$0 in 2004; to the Finance Authority of Maine, \$60,000,000 in 2003 and \$30,000,000 in 2004; to the Maine Municipal Bond Bank, \$10,000,000 in 2003 and \$10,000,000 in 2004; to the Maine Educational Loan Authority, \$0 in 2003 and \$0 in 2004; and to the Maine State Housing Authority, \$40,000,000 in 2003 and \$40,000,000 in 2004. The bill proposed to leave \$98,580,000 of the state ceiling unallocated in 2003 and \$148,580,000 unallocated in 2004.

**Committee Amendment "A" (S-73)** incorporated a fiscal note.

### ***Enacted Law Summary***

Private and Special Law 2003, chapter 17 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2003 and 2004. Under federal law, a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2003 and a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds as follows: to the Treasurer of State, \$20,000,000 in 2003 and \$0 in 2004; to the Finance Authority of Maine, \$60,000,000 in 2003 and \$30,000,000 in 2004; to the Maine Municipal Bond Bank, \$10,000,000 in 2003 and \$10,000,000 in 2004; to the Maine Educational Loan Authority, \$0 in 2003 and \$0 in 2004; and to the Maine State Housing Authority, \$40,000,000 in 2003 and \$40,000,000 in 2004. The law leaves \$98,580,000 of the state ceiling unallocated in 2003 and \$148,580,000 unallocated in 2004.

Private and Special Law 2003, chapter 17 was enacted as an emergency measure effective May 15, 2003.

**LD 1345**

**An Act To Make Minor Technical Changes to the Maine Biomedical Research Program and To Amend the Calculation of Funds To Be Transferred to the Maine Research and Development Evaluation Fund**

**PUBLIC 464  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY RICHARDSON J	OTP-AM	H-579 SULLIVAN S-158

LD 1345 proposed to remove the rule-making authority of the Department of Economic and Community Development from the Maine Biomedical Research Program because the department no longer manages the program.

**Committee Amendment "A" (S-158)** proposed to restore the rule-making authority concerning the Maine Biomedical Research Program that was repealed by the bill but transfer that authority from the Department of Economic and Community Development to the Maine Biomedical Research Board and to designate rules adopted pursuant to that authority as routine technical rather than major substantive.

**House Amendment "A" to Committee Amendment "A" (H-579)** proposed to add general obligation bonds issued for research and development to the calculation of funds to be transferred to the Maine Research and Development Evaluation Fund that is administered by the Department of Economic and Community Development

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for the purposes of funding the comprehensive evaluation of state investments in research and development. This amendment also proposed to require that private entities receiving general obligation bond proceeds for research and development pay to the Treasurer of State an amount not to exceed 0.8% of the general obligation bond proceeds, which must be paid from available resources in the fiscal year in which the general obligation bond was issued rather than bond proceeds. The amendment also proposed to add an emergency preamble and emergency clause.

**Senate Amendment "A" to Committee Amendment "A" (S-269)**, which was not adopted, was identical to House Amendment "A," except that House Amendment "A" clarified that payment of funds to the Maine Research and Development Fund would not come from general obligation bond proceeds.

### ***Enacted Law Summary***

Public Law 2003, chapter 464 transfers the rule-making authority concerning the Maine Biomedical Research Program from the Department of Economic and Community Development to the Maine Biomedical Research Board and designates rules adopted pursuant to that authority as routine technical rather than major substantive. The law also adds general obligation bonds issued for research and development to the calculation of funds to be transferred to the Maine Research and Development Evaluation Fund that is administered by the Department of Economic and Community Development for the purposes of funding the comprehensive evaluation of state investments in research and development. In addition, the law requires that private entities receiving general obligation bond proceeds for research and development pay to the Treasurer of State an amount not to exceed 0.8% of the general obligation bond proceeds, which must be paid from available resources in the fiscal year in which the general obligation bond was issued.

Public Law 2003, chapter 464 was enacted as an emergency measure effective June 17, 2003.

### **LD 1351                      An Act Regarding the Labeling of Returnable Containers                      ONTP**

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

LD 1351 proposed to ensure that the type size of refund information on refundable beverage containers is at least 1/8 inch high so that it can be read by the consumer. The bill would have taken effect 270 days after adjournment of the First Regular Session of the 121st Legislature.

### **LD 1385                      An Act To Establish the Pine Tree Development Zones Program                      DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SULLIVAN	OTP-AM	S-231 GAGNON S-68

LD 1385 proposed to establish the Pine Tree Development Zone program within the Department of Economic and Community Development and to authorize qualified businesses in the manufacturing, technology and financial

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services sectors to receive the following benefits for a period of 10 years as a result of their operations established within the zones:

1. Financing assistance equal to 100% of the tax paid on real property improvements;
2. Exemption of personal property from taxation;
3. Employment tax increment financing equal to 100% of qualified employees' state income tax withholdings for a period of 10 years; and
4. A tax credit equal to 100% of the state income tax due and attributable to operations within the zones for each of the first 5 years, followed by a credit equal to 50% of the state income tax due and attributable to operations within the zones for the 6th through the 10th years.

**Committee Amendment "A" (S-68)** proposed to replace the original bill. The amendment proposed to establish the Pine Tree Development Zone program within the Department of Economic and Community Development and to authorize qualified businesses in the manufacturing, target technology and financial services sectors to receive the following benefits as a result of their operations established or expanded within the zones:

1. Sales tax exemptions for certain building materials purchased pursuant to construction contracts with qualified Pine Tree Development Zone businesses and for all tangible personal property purchased by qualified businesses;
2. Exclusion from the calculation of a municipality's total tax increment financing district area and original assessed value limitations of tax increment financing districts established in Pine Tree Development Zones;
3. Employment tax increment financing equal to 80% of qualified employees' state income tax withholdings directly attributable to qualified business activities for a period of no more than 10 years; and
4. A tax credit equal to 100% of the state income tax and insurance premiums tax due and directly attributable to operations within the zones for each of the first 5 years, followed by a credit equal to 50% of the state income tax due and attributable to operations within the zones for the 6th through 10th years.

The amendment also proposed to specify that in no event would any of the tax benefits described above be available to taxpayers after December 31, 2018.

The amendment also proposed to limit designation of Pine Tree Development Zones to areas that have a greater unemployment rate than the state average and lower wages than the state average or that have sustained a loss of workforce or population greater than 5% in the previous 3-year period due to business closings. In addition, the amendment proposed to include technical changes to the original bill, to add an emergency preamble and emergency clause, and to create a reporting requirement for the Commissioner of Economic and Community Development.

**House Amendment "A" to Committee Amendment "A" (H-406)**, which was not adopted, proposed to do the following:

1. Limit the number of Pine Tree Development Zones that the Commissioner of Economic and Community Development may establish in each region;

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2. Change the eligibility standards for zone designation by allowing the property to meet the requirements by having either an unemployment rate higher than the state rate or being located in a county in which the average weekly wage is lower than the state average;
3. Clarify terminology regarding average weekly wages and workforce;
4. Clarify the procedure for determining the apportioned credit for taxes paid;
5. Specify how multijurisdictional applicants meet the requirements of unemployment rate and average weekly wage;
6. Require the Commissioner of Economic and Community Development to report back to the Joint Standing Committee on Business, Research and Economic Development regarding rulemaking and other progress in implementing Pine Tree Development Zones;
7. Require the Commissioner of Economic and Community Development to determine the existence of criteria necessary for a business to qualify as a qualified business, and require the Executive Director of the Bureau of Revenue Services within the Department of Administrative and Financial Services to provide an advisory opinion to the commission; and
8. Remove the emergency preamble and the emergency clause and provide for the application of the tax credits for years beginning on or after January 1, 2003.

### **Senate Amendment "C" (S-231)** proposed to:

1. Limit the number of Pine Tree Development Zones that the Commissioner of Economic and Community Development may establish in each region;
2. Change the eligibility standards for zone designation by allowing the property to meet the requirements by having either an unemployment rate higher than the state rate or being located in a county in which the average weekly wage is lower than the state average;
3. Clarify terminology regarding average weekly wages and workforce;
4. Clarify the procedure for determining the apportioned credit for taxes paid;
5. Specify how multijurisdictional applicants meet the requirements of unemployment rate and average weekly wage;
6. Require the Commissioner of Economic and Community Development to report back to the Joint Standing Committee on Business, Research and Economic Development regarding rulemaking and other progress in implementing Pine Tree Development Zones;
7. Require the Department of Economic and Community Development to investigate whether the establishment or expansion of a business within a Pine Tree Development Zone would not occur but for the availability of the Pine Tree Development Zone benefits and to issue an advisory opinion regarding the results of its investigation to the Executive Director of the Bureau of Revenue Services in the Department of Administrative and Financial Services, who would be required to make a final determination whether the business has met this requirement; and

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8. Remove the emergency preamble and the emergency clause and provide for the application of the tax credits for years beginning on or after January 1, 2003.

**Senate Amendment "A" (S-137)**, which was not adopted, proposed to:

1. Limit the number of Pine Tree Development Zones that the Commissioner of Economic and Community Development may establish in each region;
2. Change the eligibility standards for zone designation by allowing the property to meet the requirements by having either an unemployment rate higher than the state rate or being located in a county in which the average weekly wage is lower than the state average;
3. Clarify terminology regarding average weekly wages and workforce;
4. Clarify the procedure for determining the apportioned credit for taxes paid;
5. Require that preference be given to multijurisdictional applications and specify how multijurisdictional applicants meet the requirements of unemployment rate and average weekly wage;
6. Require the Commissioner of Economic and Community Development to report back to the Joint Standing Committee on Business, Research and Economic Development regarding rulemaking and other progress in implementing Pine Tree Development Zones; and
7. Remove the emergency preamble and the emergency clause and provides for the application of the tax credits for years beginning on or after January 1, 2003.

**Senate Amendment "B" (S-146)**, which was not adopted, proposed to:

1. Limit the number of Pine Tree Development Zones that the Commissioner of Economic and Community Development may establish in each region;
2. Change the eligibility standards for zone designation by allowing the property to meet the requirements by having either an unemployment rate higher than the state rate or being located in a county in which the average weekly wage is lower than the state average;
3. Clarify terminology regarding average weekly wages and workforce;
4. Clarify the procedure for determining the apportioned credit for taxes paid;
5. Specify how multijurisdictional applicants meet the requirements of unemployment rate and average weekly wage;
6. Require the Commissioner of Economic and Community Development to report back to the Joint Standing Committee on Business, Research and Economic Development regarding rulemaking and other progress in implementing Pine Tree Development Zones; and
7. Remove the emergency preamble and the emergency clause and provide for the application of the tax credits for years beginning on or after January 1, 2003.

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LD 1385 died on adjournment. However, the substance of the bill, as amended, was incorporated into Public Law 2003, chapter 451 (the "Part 2 Budget") as section NNN.

**LD 1390**                      **An Act To Suspend Rules of the Board of Dental Examiners**                      **P & S 27**  
**Regarding Permission for Public Health Supervision Status**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD SULLIVAN	ONTP      MAJ OTP-AM    MIN	S-130

LD 1390 proposed to establish the Board of Licensure of Dental Hygienists and transfer jurisdiction for licensing and regulation of dental hygienists from the Board of Dental Examiners to the Board of Licensure of Dental Hygienists. The bill also proposed to establish membership, procedures and powers of the new board, as well as qualifications, disciplinary procedures, licensure, continuing education and other requirements for dental hygienists who would be licensed by the new board. The bill also proposed to include a provision authorizing dental hygienists to become shareholders in dental practices up to a 49% ownership interest.

**Committee Amendment "A" (S-130)**, which was the minority report of the committee and was adopted, proposed to replace the bill. The amendment proposed to suspend that portion of the rules of the Board of Dental Examiners that requires a dental hygienist to seek permission from the board to perform work under public health supervision status. The amendment also proposed to require a dental hygienist, prior to performing this work, to give notice to the board that identifies the site where the work is to be performed, the nature of the work and the name of the supervising dentist with whom the hygienist has entered into the required public health supervision agreement.

***Enacted Law Summary***

Private and Special Law 2003, chapter 27 suspends until May 1, 2004 that portion of the rules of the Board of Dental Examiners that requires a dental hygienist to seek permission from the board to perform work under public health supervision status. The law requires a dental hygienist, prior to performing this work, to give notice to the board that identifies the site where the work is to be performed, the nature of the work and the name of the supervising dentist with whom the hygienist has entered into the required public health supervision agreement.

**LD 1402**                      **An Act To Conform the Voting Members of Certain State Entities**                      **PUBLIC 385**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP      MAJ ONTP      MIN	H-358    RINES

LD 1402 proposed to amend the status of the Treasurer of State from being a nonvoting member to a voting member of the group of representatives who vote with respect to agreements or recommendations for allocation or reallocation of the state ceiling and a voting member of the Maine Educational Loan Authority.

**House Amendment "A" (H-358)**, which was presented on behalf of the Committee on Bills in the Second Reading and was adopted, proposed to incorporate changes made by Public Law 2003, chapter 112, section 1.

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### ***Enacted Law Summary***

Public Law 2003, chapter 385 amends the status of the Treasurer of State from being a nonvoting member to a voting member of the group of representatives who vote with respect to agreements or recommendations for allocation or reallocation of the state ceiling and a voting member of the Maine Educational Loan Authority.

**LD 1406**                      **An Act To Separate the Office of Tourism from the Office of Community Development**                      **PUBLIC 198**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1406 proposed to separate the Office of Tourism and Community Development, previously a single office within the Department of Economic and Community Development, into 2 separate and distinct offices within the department.

### ***Enacted Law Summary***

Public Law 2003, chapter 198 separates the Office of Tourism and Community Development, previously a single office within the Department of Economic and Community Development, into 2 separate and distinct offices within the department.

**LD 1408**                      **An Act To Refine the Maine Rural Development Statutes**                      **PUBLIC 281**

<u>Sponsor(s)</u> BROMLEY SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-148
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LD 1408 proposed to clarify that employees of the Maine Rural Development Authority are eligible for the state employee health plan, to change the rulemaking designation for the community industrial building program from major substantive to routine technical and to remove the language that requires that unused funds be deposited with the Treasurer of State. The bill also proposed to expand the types of buildings the authority may invest in under the Commercial Facilities Development Program to include any buildings suitable for adaptive reuse as commercial or industrial facilities.

**Committee Amendment "A" (S-148)** proposed to expressly grant the Maine Rural Development Authority the power to make loans under the Commercial Facilities Development Program, to designate the Commissioner of Economic and Community Development as the chair of the board of trustees and to remove language that requires a separate fund to be set up for the community industrial building program.

### ***Enacted Law Summary***

Public Law 2003, chapter 281 clarifies that employees of the Maine Rural Development Authority are eligible for the state employee health plan, changes the rulemaking designation for the community industrial building program from major substantive to routine technical and removes the language that requires that unused funds be deposited

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with the Treasurer of State. The law also expressly grants the Maine Rural Development Authority the power to make loans under the commercial facilities development program, expands the types of buildings the authority may invest in under that program to include any buildings suitable for adaptive reuse as commercial or industrial facilities and eliminates the requirement that a separate fund to be set up for the program. Additionally, the law designates the Commissioner of Economic and Community Development as the chair of the Maine Rural Development Authority's board of trustees.

**LD 1409**

**An Act To Update the Process for the Allocation of the State Ceiling on Tax-exempt Bonds**

**PUBLIC 112  
EMERGENCY**

<u>Sponsor(s)</u> DAGGETT COLWELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-41
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LD 1409 proposed to update provisions for the allocation of the state ceiling for tax-exempt bonds to allow the Governor to name a nonprofit corporation or state agency to serve as a secondary market for student loans that are eligible to receive an allocation of a portion of the state ceiling and to vote on the overall allocation of the state ceiling for tax-exempt bonds.

**Committee Amendment "A" (S-41)** proposed to add an emergency preamble and emergency clause to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 112 updates provisions for the allocation of the state ceiling for tax-exempt bonds to allow the Governor to name a nonprofit corporation or state agency that is eligible to receive an allocation of a portion of the state ceiling and to vote on the overall allocation of the state ceiling for tax-exempt bonds to serve as a secondary market for student loans.

Public Law 2003, chapter 112 was enacted as an emergency measure effective May 6, 2003.

**LD 1410**

**An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers**

**CARRIED OVER**

<u>Sponsor(s)</u> BROMLEY SULLIVAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1410 proposes to eliminate state licensing of boxers, wrestlers and transient sellers.

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**LD 1411**                      **An Act To Increase the Licensing Fee Caps of the State Board of Optometry**                      **PUBLIC 252**

<u>Sponsor(s)</u> BROMLEY SULLIVAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-98
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LD 1411 proposed to increase the fee caps for the State Board of Optometry to enable the board to increase its fees in order to meet its expenses.

**Committee Amendment "A" (S-98)** added a fiscal note to the bill.

***Enacted Law Summary***

Public Law 2003, chapter 252 increases the fee caps for the State Board of Optometry in order to enable the board to increase its fees in order to meet its expenses.

**LD 1441**                      **An Act To Establish New License Fee Caps**                      **PUBLIC 250**

<u>Sponsor(s)</u> BROMLEY SULLIVAN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1441 proposed to increase the license fee cap for physical therapy licenses from \$60 to \$100 and to increase the cap for plumbers' licenses from \$150 to \$200. It also proposed to give the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation the authority to set individual licensing fee amounts.

***Enacted Law Summary***

Public Law 2003, chapter 250 increases the license fee cap for physical therapy licenses from \$60 to \$100 and increases the cap for plumbers' licenses from \$150 to \$200. The law also gives the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation the authority to set individual licensing fee amounts.

**LD 1455**                      **An Act To Amend the Forester Law**                      **PUBLIC 364**

<u>Sponsor(s)</u> MCKEE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-156 BRYANT
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LD 1455 proposed to amend the forester licensing law to allow the Board of Licensure of Foresters to renew forester licenses without examination or internship for applicants who renew within 2 years of their license expiration date. Similarly, the bill proposed to allow the board to renew intern forester licenses without imposing all requirements for new licensure for applicants who renew within 2 years of license expiration. The bill also

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proposed to allow intern forester applicants to use relatives as references and sponsors, and to change the board's variance and supervisor registration rules from major substantive to routine technical.

**Senate Amendment "A" (S-156)** proposed to clarify that applicants who have applied on or before April 30, 2002 for a forester license may be qualified by experience or education to be licensed.

### *Enacted Law Summary*

Public Law 2003, chapter 364 amends the forester licensing law to allow the Board of Licensure of Foresters to renew forester licenses without examination or internship for applicants who renew within 2 years of their license expiration date. Similarly, the law allows the board to renew intern forester licenses without imposing all requirements for new licensure for applicants who renew within 2 years of license expiration. The law also allows intern forester applicants to use relatives as references and sponsors, and changes the board's variance and supervisor registration rules from major substantive to routine technical. Additionally, the law clarifies that applicants who have applied on or before April 30, 2002 for a forester license may be qualified by experience or education to be licensed.

**LD 1469**

**An Act To Raise the Fee Cap for Dentists**

**PUBLIC 285**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BROMLEY	OTP-AM	H-263

LD 1469 proposed to increase the fee caps for the Department of Professional and Financial Regulation, Board of Dental Examiners and delete the exclusion of an initial license fee for denturists to make it consistent with all other license categories.

**Committee Amendment "A" (H-263)** proposed to delete those provisions of the bill that raised the fee caps for dental hygienists, denturists and dental radiographers. The amendment proposed to retain the provision that raises the fee cap for dentists. The amendment also proposed to raise the fee cap for licensure of dentists with out-of-state licenses to \$400 rather than \$500 to be consistent with licensure of in-state dentists, in order to avoid constitutional problems.

### *Enacted Law Summary*

Public Law 2003, chapter 285 increases the fee cap for licensure of dentists from \$200 to \$400 and increases the fee cap for licensure of dentists with out-of-state licenses from \$300 to \$400. The law also increases the fee cap for reinstatement of dentist licenses from \$100 to \$200 for fees paid before February 1 and from \$200 to \$400 for fees paid after February 1.

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**LD 1505**

**An Act To Amend the Licensing Requirements for Veterinarians**

**PUBLIC 251**

Sponsor(s)  
SULLIVAN  
SHOREY

Committee Report  
OTP

Amendments Adopted

LD 1505 proposed to amend licensure requirements for veterinarians by granting authority for the Maine State Board of Veterinary Medicine to consider alternative pathways to licensure for foreign educated and trained applicants and to set criteria by rule. This bill also proposed to make technical adjustments to bring the Maine Veterinary Practice Act in line with other laws and to allow the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation to set licensure fees instead of the State Board of Veterinary Medicine.

***Enacted Law Summary***

Public Law 2003, chapter 251 amends licensure requirements for veterinarians by granting authority for the Maine State Board of Veterinary Medicine to consider alternative pathways to licensure for foreign educated and trained applicants and to set criteria by rule. The law also allows the Director of the Office of Licensing and Registration, rather than the State Board of Veterinary Medicine, to set licensure fees concerning veterinary practice, and sets the cap for any such fee at \$150. In addition, the law makes technical adjustments to bring the Maine Veterinary Practice Act in line with other laws.

**LD 1506**

**An Act To Make Technical Changes to Statutes Regarding  
Regulatory Boards and Registrations**

**PUBLIC 204**

Sponsor(s)  
SULLIVAN  
SHOREY

Committee Report  
OTP

Amendments Adopted

LD 1506 proposed to make technical changes in 6 board statutes and one registration statute involving the Department of Professional and Financial Regulation as well as one change regarding the ability of a licensing board to deny an application for licensure when an applicant has failed to comply with a board order or consent agreement.

Part A of the bill proposed to change the submission deadline for the commissioner's report on charitable solicitation activity from February to December, to capture information on November filings.

Part B proposed to allow licensing boards to deny initial licensure to an applicant who is in noncompliance with a board order or consent agreement (the boards currently only can deny renewal).

Part C proposed to repeal the outdated provision requiring a specific number of electrical inspectors; to permit the Electricians' Examining Board to adopt, through routine technical rulemaking, appropriate exceptions to national codes as provided by the codes; and to repeal the provision requiring the board to keep records of licensees' names and addresses and money received and disbursed by the board.

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Part D proposed to repeal unnecessary complaint provisions for physical therapists.

Part E proposed to change the passing criteria for certified public accountant examinations to accommodate computer-based testing, and to allow the board to contract with third parties to administer the exam.

Part F proposed to permit the Propane and Natural Gas Board to adopt, through rulemaking, appropriate exceptions to national codes as provided by the codes.

Part G proposed to change the exemption from the definition of "boiler" for certain types of pressure vessels that are regulated by the Propane and Natural Gas Board.

Part H proposed to permit nurses who have passed the National Council of State Boards of Nursing, Inc.'s National Council's Learning Extension examination or who are licensed in a United States territory or a foreign jurisdiction and who have met all other requirements for licensure to practice nursing in this State for up to 90 days while awaiting the issuance of a social security number. In addition, Part H proposed to eliminate the requirement that an applicant for licensure as a registered professional nurse have a high school diploma or the equivalent since all applicants must have completed a course of study of not less than 2 years in an approved program in professional nursing and hold a degree, diploma or certificate from that program. Part H also proposed to make additional technical changes to the laws governing nurses and nursing.

### *Enacted Law Summary*

Public Law 2003, chapter 204 makes technical changes in 6 board statutes and one registration statute involving the Department of Professional and Financial Regulation as well as a change regarding the ability of a licensing board to deny an application for licensure when an applicant has failed to comply with a board order or consent agreement.

Part A of the law changes the submission deadline for the commissioner's report on charitable solicitation activity from February to December, to capture information on November filings.

Part B allows licensing boards to deny initial licensure to an applicant who is in noncompliance with a board order or consent agreement (the boards currently only can deny renewal).

Part C repeals the outdated provision requiring a specific number of electrical inspectors; permits the Electricians' Examining Board to adopt, through routine technical rulemaking, appropriate exceptions to national codes as provided by the codes; and repeals the provision requiring the board to keep records of licensees' names and addresses and money received and disbursed by the board.

Part D repeals unnecessary complaint provisions for physical therapists.

Part E changes the passing criteria for certified public accountant examinations to accommodate computer-based testing, and allows the board to contract with third parties to administer the exam.

Part F permits the Propane and Natural Gas Board to adopt, through rulemaking, appropriate exceptions to national codes as provided by the codes.

Part G changes the exemption from the definition of "boiler" for certain types of pressure vessels that are regulated by the Propane and Natural Gas Board.

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Part H permits nurses who have passed the National Council of State Boards of Nursing, Inc.'s National Council's Learning Extension examination or who are licensed in a United States territory or a foreign jurisdiction and who have met all other requirements for licensure to practice nursing in this State for up to 90 days while awaiting the issuance of a social security number. In addition, Part H eliminates the requirement that an applicant for licensure as a registered professional nurse have a high school diploma or the equivalent since all applicants must have completed a course of study of not less than 2 years in an approved program in professional nursing and hold a degree, diploma or certificate from that program. Part H also makes additional technical changes to the laws governing nurses and nursing.

### **LD 1551                      An Act To License Home Building and Improvement Contractors                      CARRIED OVER**

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

LD 1551 proposes to create the Maine Home Contractor Licensing Act. The bill proposes to create the Maine Home Contractor Licensing Board, which would be responsible for licensing and regulation of home contractors and would be authorized to promulgate rules. The bill also proposes to prohibit certain acts as unfair trade practices and to provide penalties for violations, and to standardize contracts in the home construction industry. In addition, the bill proposed to adopt a state-wide building code.

### **LD 1554                      An Act Regarding Eligibility under the Municipal Investment Trust Fund                      PUBLIC 288 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-149

LD 1554 proposed to make service center communities eligible for grants or loans under the Municipal Investment Trust Fund. It also proposed to add that grants or loans may be used for downtown improvement projects and to remove some of the program requirements for eligibility for a downtown improvement program.

**Committee Amendment "A" (S-149)** proposed to add an emergency preamble and emergency clause to the bill.

#### ***Enacted Law Summary***

Public Law 2003, chapter 288 makes service center communities eligible for grants or loans under the Municipal Investment Trust Fund. It also allows grants or loans to be used for downtown improvement projects and removes some prior program requirements for eligibility for a downtown improvement program.

Public Law 2003, chapter 288 was enacted as an emergency measure effective May 23, 2003.

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**LD 1559**

**An Act To Amend the Laws Concerning State Board of Alcohol and Drug Counselors**

**PUBLIC 347**

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

LD 1559 proposed to reorganize the alcohol and drug counselor registration currently issued by the State Board of Alcohol and Drug Counselors by recognizing practitioners who provide public services at varying levels within agencies licensed by the Office of Substance Abuse in the Department of Behavioral and Developmental Services. This bill proposed to provide an alternative pathway to certification and licensure for persons without degree-level education by recognizing work experience in the field of alcohol and drug counseling as one of the criteria for certification and licensing. The bill also proposed to require an alcohol and drug counseling aide and a certified alcohol and drug counselor to be supervised by a board-certified clinical supervisor. The bill proposed to eliminate outdated practices and language as it pertains to examinations and reciprocity, to clarify requirements for continuing education and inactive licenses issued by the board and to make minor technical changes throughout the alcohol and drug practice laws.

***Enacted Law Summary***

Public Law 2003, chapter 347 reorganizes the alcohol and drug counselor registration currently issued by the State Board of Alcohol and Drug Counselors by recognizing practitioners who provide public services at varying levels within agencies licensed by the Office of Substance Abuse in the Department of Behavioral and Developmental Services. This law provides an alternative pathway to certification and licensure for persons without degree-level education by recognizing work experience in the field of alcohol and drug counseling as one of the criteria for certification and licensing. The law also requires an alcohol and drug counseling aide and a certified alcohol and drug counselor to be supervised by a board-certified clinical supervisor. The law eliminates outdated practices and language as it pertains to examinations and reciprocity. Finally, the law clarifies requirements for continuing education and inactive licenses issued by the board and makes minor technical changes throughout the alcohol and drug practice laws.

**LD 1560**

**Resolve, Regarding Legislative Review of Chapter 1: Community Industrial Building Program, a Major Substantive Rule of the Maine Rural Development Authority**

**RESOLVE 47  
EMERGENCY**

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

LD 1560 proposed to authorize final adoption of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority, which concerns the application process for loans for construction of speculative buildings through the program. The rule is based on the prior rule governing the community industrial building program, originally promulgated by the State Development Office. It also proposed to provide for legislative review of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority.

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### ***Enacted Law Summary***

Resolve 2003, chapter 47 authorizes final adoption of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority, which concerns the application process for loans for construction of speculative buildings through the program. The rule is based on the prior rule governing the community industrial building program, originally promulgated by the State Development Office.

Resolve 2003, chapter 47 was passed as an emergency measure effective May 23, 2003.

**LD 1578**

**An Act To Make Filling Out-of-State Prescriptions for Schedule II Drugs More Convenient**

**PUBLIC 326  
EMERGENCY**

Sponsor(s)  
BRUNO

Committee Report  
OTP-AM

Amendments Adopted  
H-359

LD 1578 proposed to address the difficulty that a Maine resident may encounter if being treated by a practitioner from a state that does not use security prescription blanks. The bill proposed to provide for a prescription written on a prescription blank that does not comply with the requirements of Department of Public Safety rules to be filled if valid photographic identification is produced and the pharmacist confirms the validity of the prescription by telephone. The bill also proposed to allow for a partial dispensing of a 72-hour supply of the drug in case the oral confirmation is delayed due to nights, weekends or holidays.

**Committee Amendment "A" (H-359)** proposed to change the bill's requirement concerning the presentation of photographic identification. The amendment proposed to require that a person presenting an out-of-state prescription for a Schedule II drug or receiving that filled prescription present photographic identification unless the person is the patient for whom the prescription is written, is personally known to the pharmacist and has previously presented photographic identification that has been noted by the pharmacist. The bill proposed to require that a person presenting an out-of-state prescription for a Schedule II drug present photographic identification without exception, but did not require identification when the filled prescription was received. The amendment also proposed to require the pharmacist to make a record of oral confirmation of the validity of the prescription from the out-of-state practitioner or the practitioner's agent.

### ***Enacted Law Summary***

Public Law 2003, chapter 326 addresses the difficulty that a Maine resident may encounter if being treated by a practitioner from a state that does not use security prescription blanks. The law provides for an out-of-state prescription for a Schedule II drug, written on a prescription blank that does not comply with the requirements of Department of Public Safety rules, to be filled if the person presenting the prescription or receiving that filled prescription presents photographic identification. The law allows the prescription to be filled without presentation of identification if the person receiving it is the patient for whom the prescription is written, is personally known to the pharmacist and has previously presented photographic identification that has been noted by the pharmacist. The law also requires the pharmacist to make a record of oral confirmation of the validity of the prescription from the out-of-state practitioner or the practitioner's agent. Additionally, the law allows a 72-hour supply of the drug to be dispensed in case the oral confirmation is delayed due to nights, weekends or holidays.

Public Law 2003, chapter 326 was enacted as an emergency measure effective May 27, 2003.

*Joint Standing Committee on Business, Research and Economic Development*

LD 1589

**An Act To Change Certain Educational Requirements and Make  
Title Changes for Licensed Social Workers**

**PUBLIC 429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L BRENNAN	OTP-AM	H-454 S-232 BROMLEY

LD 1589 proposed to reverse changes made by Public Law 2001, chapter 316, which created the position of licensed bachelor social worker and establish standards and educational requirements for the position. The bill also included a retroactivity provision which proposed to reverse those changes to their effective date of September 21, 2001.

**Committee Amendment "A" (H-454)** proposed to allow for the continued issuance of conditional social work licenses after September 30, 2003 to applicants who have bachelor's degrees in fields other than social work, as did the bill. The amendment also proposed to limit conditional social work licensure in several additional ways:

1. Only applicants with bachelor's degrees in "related fields," a term to be defined by the State Board of Social Worker Licensure, would be eligible for conditional licensure.
2. Beginning January 1, 2004, all conditional licensees would be required to complete consultation requirements. A conditional licensee who is employed by the Department of Human Services would be required to complete no less than 96 hours of consultation, over the first 3,200 hours of social work employment and within 2 to 4 years with a licensed social worker who has been licensed for at least 4 years or a licensed master social worker. A conditional licensee who is not employed by the Department of Human Services would be required to complete no less than 96 hours of consultation, as determined by the board, over the first 3,200 hours of social work employment and within 2 to 4 years.
3. Beginning on January 1, 2004, all conditional licensees would be required to complete contact hours, as defined by the board, in an amount set by the board, within the first 2 years of licensure, of which 6 hours must be on the subject of social work ethics and 6 hours must be on the subject of psychosocial assessment.
4. The amendment also proposed that, once a person is licensed as a social worker, the person must, if not employed by the Department of Human Services, provide documentation of 96 hours of consultation as determined by the board during the first 3,200 hours of social work employment in a period not less than 2 years but not more than 4 years. If the person is employed by the Department of Human Services, the person would be required to provide documentation of either:
  - A. A minimum of 96 hours of consultation with a licensed social worker who has been licensed for at least 4 years or a licensed master social worker, concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years; or
  - B. A minimum of 96 hours of consultation concurrent with the person's first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years with a licensed social worker who has been licensed for at least 2 years, has been designated by the department as a supervisor trainee and is concurrently receiving 48 hours of consultation with a licensed master social worker.

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**Senate Amendment "A" to Committee Amendment "A" (S-232)** was a technical amendment that proposed to remove a provision of law concerning consultation that would be in conflict with other changes made by Committee Amendment "A".

**House Amendment "A" to Committee Amendment "A" (H-486)**, which was not adopted, proposed to remove language from the bill and current law that would have allowed different consultation requirements for social workers who are employees of the Department of Human Services.

### ***Enacted Law Summary***

Public Law 2003, chapter 429 allows for the continued issuance of conditional social work licenses after September 30, 2003 to applicants who have bachelor's degrees in fields other than social work. The law also limits conditional social work licensure in several additional ways:

1. Only applicants with bachelor's degrees in "related fields," a term to be defined by the State Board of Social Worker Licensure, are eligible for conditional licensure;
2. Beginning January 1, 2004, all conditional licensees must complete consultation requirements. The law specifies consultation requirements for employees of the Department of Human Services and other licensees;
3. Beginning on January 1, 2004, all conditional licensees must complete contact hours, as defined by the board, in an amount set by the board, within the first 2 years of licensure, of which 6 hours must be on the subject of social work ethics and 6 hours must be on the subject of psychosocial assessment; and
4. All licensees must provide documentation of consultation completed in a period not less than 2 years nor more than 4 years. The law specifies consultation requirements for employees of the Department of Human Services and other licensees.

**LD 1625**

**An Act To Provide Affordable Loans for Higher Education**

**PUBLIC 455**

Sponsor(s)  
DAGGETT  
COLWELL

Committee Report  
OTP-AM

Amendments Adopted  
S-257

LD 1625 proposed to create the Higher Education Loan Purchase Program to be administered by the Finance Authority of Maine as a secondary market for higher education loans, as provided in Public Law 2003, chapter 112, allowing the Governor to designate a state agency as a secondary market, and Executive Order 16 FY 02/03, dated May 14, 2003, designating the Finance Authority of Maine as the state secondary market for educational loans. The bill also proposed to add the administration of a secondary market for student loans to the general powers of the authority. The authority is authorized to issue tax exempt bonds to finance certain loans.

**Committee Amendment "A" (S-257)** proposed to limit the Finance Authority of Maine's authority to originate loans to consolidation loans only, unless the authority finds that that limitation is a significant impediment to providing students with the benefits of the loan program. The amendment also proposed to make technical changes to the bill.

## *Joint Standing Committee on Business, Research and Economic Development*

### ***Enacted Law Summary***

Public Law 2003, chapter 455 creates the Higher Education Loan Purchase Program to be administered by the Finance Authority of Maine as a secondary market for higher education loans, as provided in Public Law 2003, chapter 112, allowing the Governor to designate a state agency as a secondary market, and Executive Order 16 FY 02/03, dated May 14, 2003, designating the Finance Authority of Maine as the state secondary market for educational loans. The law adds the administration of a secondary market for student loans to the general powers of the authority, and authorizes the authority to issue tax exempt bonds to finance certain loans. The law also authorizes the authority to originate loans, but limits this power to the origination of consolidation loans only, unless the authority finds that that limitation is a significant impediment to providing students with the benefits of the loan program.