

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

LD 727 An Act to Require Postgraduate Residency Training for Podiatric Medical Licensure and to Permit Temporary Residency Licensure

PUBLIC 278

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BALDACCI	OTP-AM	S-176

SUMMARY

This bill requires an applicant for a podiatrist's license after July 1, 1995 to have completed a one-year residency. Further, the bill requires a licensed podiatrist from another state applying for a Maine license between July 1, 1995 and June 30, 2000 by reciprocity or endorsement to have had a one-year residency if that person has fewer than 5 years' experience. After that time, all applicants for a reciprocity license must have a one-year residency.

Committee Amendment "A" (S-176) requires anyone applying for a license who graduated from podiatric medical school after January 1, 1991 to have completed a one-year residency.

The amendment also requires those persons who have graduated from podiatric medical school after January 1, 1991 to meet the residency requirement in order to obtain a license by reciprocity or endorsement.

LD 761 An Act to Allow Consumers to Request a Written Estimate for Car Repairs ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MELENDY HOGLUND	ONTP	

SUMMARY

This bill allows consumers to request a written estimate for car repairs. Under this bill, a car repair facility may not charge a customer any amount that exceeds the estimate by 10% without the customer's oral or written consent. The car repair facility must also disclose whether the repair is based on a flat rate calculation or the number of hours actually needed to make the repair.

LD 788 An Act to Prevent Unauthorized Use of the Name Passamaquoddy PUBLIC 210

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BAILEY H	OTP-AM	H-210 H-292 HOGLUND

SUMMARY

This bill grants to the Passamaquoddy Tribe trademark protection for the name "Passamaquoddy," requiring written authorization from the Passamaquoddy Tribe for use of the name for commercial purposes after December 31, 1993. Violation of the provision is made enforceable under the Maine Unfair Trade Practices Act.

Committee Amendment "A" (H-210) grants to the Passamaquoddy Tribe protection from any unauthorized use of the word "Passamaquoddy" for commercial or nonprofit purposes after December 31, 1993. The bill limited the protection to that granted to a trademark. The amendment makes a violation of the provision enforceable under the Maine Deceptive Trade Practices Act rather than the Unfair Trade Practices Act, as the bill specified. The amendment exempts the term "Passamaquoddy Bay" and the use of the term "Passamaquoddy" for a specific product or service or as a trade name by persons who were using it for that product or service or as a trade name before January 1, 1993.

House Amendment "A" (H-292) to Committee Amendment "A" states that persons using the term Passamaquoddy prior to the effective date of this legislation may continue to use it.

LD 789 An Act to Restrict Self-referral by Health Care Practitioners

PUBLIC 308

SPONSOR(S)
CARLETON

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-467

SUMMARY

This bill prohibits a physician from referring patients to a laboratory, facility or pharmacy in which that physician has a financial interest.

Committee Amendment "A" (H-467) makes the following changes to the bill.

1. It broadens the applicability of the ban on self-referral to include all regulated health care practitioners.
2. It broadens the ban to include referrals to all facilities providing health services.
3. It provides a limited grandfather provision for existing arrangements. If investment interest in a facility was acquired before January 1, 1993, referrals to that facility may continue until January 1, 1997.
4. It creates an exemption for investments and referral to facilities when there is a demonstrated need for the service in the community and when alternative financing is not available. The Bureau of Insurance determines whether to approve or deny applications for the exemption according to standards in the law and other standards established through rulemaking. Health care practitioners must meet 10 specific criteria to be entitled to the exemption.
5. It clarifies that ownership interests in publicly traded facilities are exempt under most circumstances.
6. It adds a penalty for violation of the law. Health care practitioners violating the law are subject to civil penalties of up to \$2,000 per referral. Violation of the law may also constitute grounds for disciplinary action by the applicable licensing board.

LD 864 An Act to Allow Amateur Mechanics to Make Certain Repairs to Motor Vehicles

ONTP

SPONSOR(S)
TRACY
CAREY

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill allows vehicle owners and amateur auto mechanics to conduct the maintenance and repair work necessary to attain vehicle emission standards as long as the vehicles pass all necessary inspection tests. Existing laws regarding tampering with emission control equipment are not affected. The bill excludes labor costs of amateur repairs from the calculations of repair costs in the waiver process.