

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
BUSINESS AND ECONOMIC DEVELOPMENT

JULY 1997

**MEMBERS:**

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*Sen. Anne M. Rand*

*Sen. Bruce W. MacKinnon*

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**Maine State Legislature**

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**ONE HUNDRED EIGHTEENTH LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees  
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*

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within manufacturer specifications. The refund must be returned to the funding source if the device was purchased with insurance or public funds. Hearing aids are exempt from the definition of assistive device as hearing aids are currently regulated by the Board of Hearing Aid Dealers and Fitters.

Public Law 1997, chapter 235 also requires a manufacturer who sells or leases assistive devices to guarantee expressly that the assistive device is free from any condition or defect that substantially impairs its value. In the case of a sale, the warranty must be in effect at least one year after first delivery. A warranty must be in effect for the duration of a lease. Chapter 235 requires that a nonconformity reported during the warranty period be repaired at no charge to the consumer and that a comparable assistive device be loaned if the repair requires more than three days. If a reasonable attempt to repair the assistive device has been made without success, the manufacturer must accept return of the assistive device and either refund the purchase price or replace the assistive device.

Chapter 235 further requires that a manufacturer of an assistive device that is returned provide a clear written disclosure and description of the nonconformity to any subsequent purchaser. It allows a consumer to bring an action to recover for damages caused by a violation of the chapter and to collect twice the amount of a pecuniary loss, plus reasonable costs and attorney's fees. Any waiver of rights by a consumer is void under this chapter. A dealer of assistive devices is protected if the dealer had no reasonable way of knowing the consumer was to use the device as an assistive device.

**LD 1251**

**An Act to Preserve Consumer Privacy**

**ONTP**

Sponsor(s)  
VEDRAL

Committee Report  
ONTP

Amendments Adopted

LD 1251 proposed to prohibit businesses from maintaining or transferring information about the purchases or habits of any individual without receiving written permission from the individual. The bill would allow the Attorney General to bring actions against violators on behalf of consumers to enjoin future violations or to recover damages. The bill would further authorize the court to impose treble damages for willful and knowing violations. Aggrieved individuals would be given a private right of action to recover damages and any other relief the court considers necessary and proper.

**LD 1258**

**An Act Regarding People Giving Canadian Money as Change in Business Transactions**

**ONTP**

Sponsor(s)  
GOODWIN

Committee Report  
ONTP

Amendments Adopted

LD 1258 proposed to limit the dispensing of Canadian currency as change to instances when a payment has first been made in Canadian currency as part of a financial or business transaction.