

# 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*

*Rep. Marc J. Vigue, Chair*

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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*

Offices Located in the State House, Rooms 101/107/135

amendment is to provide essentially the same protections for personal sports mobile dealers that Maine law extends to motor vehicle dealers. Some of these protections are that:

1. Manufacturer warranty work and parts provided by a dealer must be reimbursed by the manufacturer at the retail rate charged to nonwarranty customers;
2. A dealership can not be terminated without proper notice, as described under the Maine Revised Statutes, Title 10, chapter 206-B, good faith and good cause;
3. A manufacturer may not coerce a dealer to accept personal sports mobiles, parts or accessories that the dealer has not ordered; and
4. Affected dealers may appeal and stop with "good cause" a manufacturer's decision to establish a new dealership in another dealer's relevant market area.

**LD 1335**

**An Act Requiring Disclosures by Payroll Processing Companies**

**ONTP**

<u>Sponsor(s)</u> HARRIMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1335 proposed to require payroll processing companies with a net worth of \$500,000 or less to make certain disclosures to employers who seek to use the company to process payrolls. These disclosures would include a statement indicating whether the company is bonded for fraudulent acts, audited financial statements, the net worth of the company, the functions that may be subcontracted to others and how long the company had been engaged in payroll processing. The bill would provide that a violation of the Maine Revised Statutes, Title 10, chapter 222 is a violation of the Unfair Trade Practices Act and would also constitute a civil violation. See LD 1878, An Act to Provide Regulation for Payroll Processing Companies, a committee bill, which was enacted as Public Law 1997, chapter 495.

**LD 1343**

**Resolve, Establishing a Blue Ribbon Commission to Study the Effect of Government Regulation on Small Businesses in Maine**

**FAILED  
EMERGENCY  
ENACTMENT**

<u>Sponsor(s)</u> MACKINNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 1343 proposed to establish the Blue Ribbon Commission to Study the Effect of Government Regulation on Small Business in Maine.

**Committee Amendment "A" (S-183)** This amendment proposed to amend the resolve to revise the commission membership to include four members to be appointed by the President of the Senate and four members to be appointed by the Speaker of the House. Members to be appointed must represent the House of Representatives, the Senate, the public sector, the private sector, businesses with fewer than 50 employees and members of the Joint Standing Committee on Business and Economic Development. The amendment also included language that entitled

legislative members of the commission to legislative per diem and expenses. This amendment also added a section to the resolve that allowed the commission to seek outside sources of funding for commission-related expenses.

This bill failed emergency enactment, but a similar resolve, LD 1905, Resolve, Establishing a Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine, was enacted.

**LD 1345**

**An Act to Amend the Public Accountancy Laws**

**PUBLIC 265**

<u>Sponsor(s)</u> HARRIMAN CIANCHETTE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-194
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LD 1345 proposed to amend the public accounting laws in the following ways:

1. Amended and enacted definitions in the law.
2. Beginning in 2002, the educational requirements to sit for the certified public accountancy examination would be raised to include at least 150 semester hours to include basic courses in accounting and auditing.
3. The examination content would be clarified to include testing the applicant's knowledge of accounting, auditing and other related subjects that the Board of Accountancy may set by rule. The bill allowed the board to use all or any part of the Uniform Certified Public Accountant Examination.
4. Beginning in 2002, the experience requirements for licensure for all applicants, including those applicants possessing a masters degree, would be amended to include the use of accounting or auditing skills for two years under the direction of a licensee.
5. Requirements for the issuance of a certificate to practice to an individual holding credentials from a foreign designation would be established.
6. The renewal date for permits and certificates to practice for individuals and firms would be staggered.
7. The board's authority to conduct a quality review as a condition of a firm's permit renewal would be established.
8. Provisions that govern privacy of contract would be established.

**Committee Amendment "A" (S-194)** replaces all but section 1 of the bill. This amendment amends the public accountancy laws in the following ways.

1. Beginning in 2002, the educational requirements to sit for the certified public accountancy examination are raised to at least 150 semester hours to include basic courses in accounting and auditing.
2. The examination content is clarified to include testing the applicant's knowledge of accounting, auditing and other related subjects that the Board of Accountancy may set by rule. The amendment allows the board to use all or any part of the Uniform Certified Public Accountant Examination.