

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:

Sen. John T. Jenkins, Chair

Sen. Anne M. Rand

Sen. Bruce W. MacKinnon

Rep. Marc J. Vigue, Chair

Rep. Rosaire J. Sirois

Rep. Richard R. Farnsworth

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Rep. William E. Bodwell, II

Rep. Jay MacDougall

Rep. Adam Mack

Staff:

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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).

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

17. It includes general managers and long-standing employees with significant experience in survivorship rights in the transfer of a dealership to a successor in interest.
18. It establishes an 18-month time limitation on audits.
19. It specifically does not address warranty reimbursement of parts and labor in the Maine Revised Statutes, Title 10, section 1176. The Legislature is aware of the case of Acadia Motors, Inc. v. Ford Motor Credit Company, 44 F.3rd 1050 (1st Cir. 1995) and other cases currently pending in the United States District Court for the District of Maine, the Maine Superior Court and the Maine District Court. The Legislature has refrained from addressing warranty reimbursement provisions and warranty audit provisions of Title 10, section 1176 in light of this pending litigation. No inference should be drawn from this inaction, and this enactment should not be construed as expressing any view of the statutory language of Title 10, section 1176 or any decisions issued by courts in this State or federal courts on Title 10, section 1176. Title 10, section 1176 is amended to clarify that manufacturers may not establish warranty repair centers in this State except in certain limited situations.
20. It clarifies that the public policy of this State is the protection of the transportation system, the public safety and the financial interests of its citizens in relation to the automobile industry. The Legislature does not intend that the Maine Revised Statutes, Title 10, section 1182 be utilized by the federal court or courts of this State in construing legislative intent with regard to the currently pending litigation regarding Title 10, section 1176.

LD 1751

An Act to Amend the Licensure Act for Speech Pathologists and Audiologists

PUBLIC 379

<u>Sponsor(s)</u> FARNSWORTH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-506
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LD 1751 proposed to change all references from "speech" to "speech-language" in the Maine Revised Statutes, Title 32, chapter 77. It created the definition for "speech-language pathology assistant," and the necessary qualifications that allow a person to practice as a speech-language pathologist and audiologist, which included a two-year associates degree. It required that a person holding this credential work under the direct supervision of a licensee and register with the board. It terminated the "speech-language pathology aide" credential by 2005. It clarified the qualifications and scope of practice for speech-language pathologists and audiologists. It also established the Board of Examiners on Speech-language Pathology and Audiology's authority to adopt rules to refine these scopes of practice within the parameters of statutory provisions.

Committee Amendment "A" (H-506) proposed to strike the provision that a person may not apply for the credential of "speech-language pathology aide" after December 31, 1997. The amendment required that a person applying for that credential after October 1, 1997 must demonstrate two years of post-secondary education and submit a training plan endorsed by a licensed speech-language pathologist. The amendment also added language that required all speech-language pathology aides to meet the eligibility requirements for a speech-language pathology assistant by January 1, 2005 in order to continue their practice of speech-language pathology. The amendment also changed the rules that pertain to the speech-language pathology assistant credential from major substantive rules to routine technical rules.

Enacted law summary

Public Law 1997, chapter 379 amends the statutes regulating speech pathologists and audiologists in the following ways:

1. Changes all references from "speech" to "speech-language" in the Maine Revised Statutes, Title 32, chapter 77.
2. Creates the definition for "speech-language pathology assistant," and the necessary qualifications that allow a person to practice as a speech-language pathologist and audiologist, which includes a two-year associates degree. It requires that a person holding this credential work under the direct supervision of a licensee and register with the board.
3. Requires that a person applying for the credential of "speech-language pathology aide" after October 1,1997 must demonstrate two years of post-secondary education and submit a training plan endorsed by a licensed speech-language pathologist.
4. Requires all speech-language pathology aides to meet the eligibility requirements for a speech-language pathology assistant by January 1, 2005 in order to continue their practice of speech-language pathology.
5. Clarifies the qualifications and scopes of practice for speech-language pathologists and audiologists.
6. Establishes the Board of Examiners on Speech-language Pathology and Audiology's authority to adopt rules to refine these scopes of practice within the parameters of statutory provisions.

LD 1780

An Act to Amend the Finance Authority of Maine Act and the Adaptive Equipment Loan Program

PUBLIC 489

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENKINS VIGUE	OTP-AM	S-247

LD 1780 proposed to make changes to the laws governing the Adaptive Equipment Loan Program Fund Board and the Finance Authority of Maine. It proposed to repeal an ambiguous provision requiring that 75% of the loans made from the Adaptive Equipment Loan Program Fund be made to individuals and further requiring that all for-profit entities receiving a loan obtain at least 50% of the total project costs from sources other than the fund, and proposed to replace the provision with a directive that the board adopt rules setting forth a preference for individuals with disabilities to receive loans and requiring that for-profit loan recipients provide a portion of project costs from sources other than the Adaptive Equipment Loan Program Fund. It would have updated the list of education loan programs the authority administers. It restated the existing provisions with regard to the amount of bonds supported by the moral obligation of the State that the authority may issue to include up to \$264,000,000 for electric rate stabilization projects, \$120,000,000 for major business expansion projects, \$57,000,000 for workers' compensation residual market mechanism projects and up to \$150,000,000 minus the aggregate outstanding amount of mortgage loans secured by capital reserve funds pursuant to the Maine Revised Statutes, Title 10, section 1032 for all other projects. It was not intended that this bill have any effect on any revenue obligation securities issued at any time pursuant to Title 10, section 1053, subsection 5.