

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

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

July 2003

Members:

*Sen. Lynn Bromley, Chair
Sen. Christopher G. L. Hall
Sen. Kevin L. Shorey*

*Rep. Nancy B. Sullivan, Chair
Rep. Lillian LaFontaine O'Brien
Rep. Guy J. Duprey, Jr.
Rep. Edward Pellon
Rep. Nancy E. Smith
Rep. Susan M. Austin
Rep. Robert A. Berube
Rep. Lawrence E. Jacobsen
Rep. Christopher Rector
Rep. William T. Rogers, Jr.*

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 considered by the committees. It is arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

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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.