

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

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

May 2004

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. Stephen R. Beaudette

Rep. William T. Rogers, Jr.

Staff:

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Maine State Legislature



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

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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:

- 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
- NOT PROPERLY BEFORE THE BODY Ruled out of order by the presiding officers; bill died
- INDEF PP Bill Indefinitely Postponed
- ONTP..... Ought Not To Pass report accepted
- OTP-ND Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

Joint Standing Committee on Business, Research and Economic Development

House Amendment "A" to Committee Amendment "A" (H-788), which was not adopted, proposed to remove kickboxing as a regulated boxing activity. The amendment also proposed to delay the repeal of the Maine Athletic Commission until July 1, 2006, and to require the Department of Professional and Financial Regulation to report semiannually to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the activities of the Maine Athletic Commission. The amendment also proposed to require the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to review and assess whether altering or eliminating the repeal of the Maine Athletic Commission should be recommended.

LD 1551

An Act To License Home Building and Improvement Contractors

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	ONTP MAJ	
BRENNAN	OTP-AM MIN	

LD 1551 proposed to create the Maine Home Contractor Licensing Act.

Committee Amendment "A" (H-863), which was the minority report of the committee and was not adopted, proposed to do the following:

1. Require licensure of a person who acts as a general home contractor or who installs, removes, repairs and replaces framing, roofing, siding, insulation, windows or chimneys;
2. Require a license only for work on "dwellings," which would be defined as being owner-occupied buildings or buildings constructed for sale to owner-occupants consisting of 1 or 2 units;
3. Exempt from licensure requirements a person who receives less than \$3,000 per year from any owner; works for licensed contractors; is working within the scope of another trade license; is a government employee acting within the scope of employment; has an ownership interest in the subject dwelling; is a vocational student; is a public utility; or is operating under a manufactured housing license;
4. Create the Maine Home Contractor Licensing Board, appointed by Governor, consisting of 2 public members; 4 home contractors; one municipal code enforcement officer; one licensed engineer or architect, who is a nonvoting member; and one representative of the fire service, who is a nonvoting member;
5. Empower the board to make rules, grant and deny licenses, impose standards of practice, require continuing education and hold hearings, as well as to exercise other powers;
6. Require for licensure as a general home contractor the following:
 - A. Four years combined experience and education, acknowledgment of the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary; or

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- B. Two years combined experience and education, passage of an exam including a test of proficiency in the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary;
- 7. Require for licensure in a specialty trade the following:
 - A. Two years combined experience and education in that trade, acknowledgment of the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary; or
 - B. One year combined experience and education in that trade, passage of an exam in that trade including a test of proficiency in the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary;
- 8. Require an applicant for a license to provide criminal history information;
- 9. Require an applicant for a license to make financial disclosures to the board;
- 10. Set as fee caps \$350 per year for a general home contractor license, \$150 per year for a specialty license and \$100 per year for registration;
- 11. Require municipalities that adopt the Maine Model Building Code to notify the board; and
- 12. Create a trigger mechanism for registration and licensing as follows: registration would be triggered upon adoption of the Maine Model Building Code by 2/3 of municipalities with a prior code that make up 75% of population of people covered by these prior codes; the full licensing program would begin one year later, along with a bar to practicing without having registered becoming effective.

LD 1650

**An Act To Ensure Equitable Economic Development within the
Kennebec Valley Economic Development District**

ONTP

<u>Sponsor(s)</u> MARRACHE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1650 proposed to amend the law pertaining to the Kennebec Regional Development Authority to prohibit the authority from recruiting or being a party to the transfer of businesses to FirstPark, a business and technology development project funded by the authority, if those businesses currently operate in a city or town in the Kennebec Valley Economic Development District unless written consent were obtained from the affected municipality prior to the transfer. Currently, the district consists of Kennebec and Somerset counties as well as the towns of Unity, Troy, Thorndike, Freedom, Palermo and Burnham.