

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on*

Business, Research and Economic Development

August 2005

Members:

Sen. Lynn Bromley, Chair

Sen. Barry J. Hobbins

Sen. Dana L. Dow

Rep. Nancy E. Smith, Chair

Rep. Lillian LaFontaine O'Brien

Rep. Stephen R. Beaudette

Rep. Charles Earl Crosby, III

Rep. David W. Farrington

Rep. Christopher Rector

Rep. Susan M. Austin

Rep. Robert A. Berube

Rep. Lawrence E. Jacobsen

Rep. John C. Robinson

Staff:

Natalie Haynes, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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
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
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 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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LD 566 proposed to amend the definition of "chiropractic acupuncture" to include the use of microelectric current, magnetic stimulation, moxibustion and other forms of heat therapy, therapeutic uses of sound and light, cupping techniques and acupressure techniques.

LD 581 An Act Regarding Identity Theft Deterrence

PUBLIC 243

<u>Sponsor(s)</u> BROMLEY KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-187
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LD 581 proposed to prohibit a consumer reporting agency from furnishing a consumer report or disclosing information about a consumer unless the consumer authorized the disclosure and provided a copy of a police report prepared by a law enforcement agency in investigation of identity theft involving the consumer to the consumer reporting agency.

Committee Amendment "A" (S-187) proposed to replace the bill. The amendment proposed to allow consumers to implement security freezes on their consumer reports and described the requirements for requesting and removing security freezes temporarily and permanently. This amendment proposed to establish strict timelines for compliance by consumer reporting agencies and would permit consumer reporting agencies to assess a fee to consumers who are not victims of identity theft for each freeze-related action taken with respect to a consumer report. In addition, it proposed to identify exceptions to the security freeze requirements based on federal law and state enforcement requirements.

Enacted law summary

Public Law 2005, chapter 243 allows consumers to implement a security freeze on their consumer reports and describes the requirements for requesting and removing a security freeze temporarily or permanently. This law establishes strict timelines for compliance by consumer reporting agencies and permits consumer reporting agencies to assess a fee to consumers who are not victims of identity theft for each freeze-related action taken with respect to a consumer report. In addition, the law identifies exceptions to the security freeze requirements based on federal law and state enforcement requirements.

LD 585 An Act To Reauthorize the Petroleum Market Share Act

PUBLIC 155
EMERGENCY

<u>Sponsor(s)</u> BROMLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-128
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LD 585 proposed to remove provisions of the Petroleum Market Share Act that otherwise would repeal certain portions of that Act. It also proposed to repeal laws that establish and govern the Petroleum Advisory Committee.

Committee Amendment "A" (S-128) proposed to reduce the frequency of refiner reports from quarterly to annually and clarify that the required reports may be made by affiliates. The amendment also proposed to provide that, although the Attorney General is required to consult with industry stakeholders concerning any future

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proposed legislative changes to the Act, the final decision regarding the substance of any legislative recommendation would be entirely within the Attorney General's discretion.

Enacted law summary

Public Law 2005, chapter 155 removes provisions of the Petroleum Market Share Act that otherwise would repeal certain portions of that Act. It repeals laws that establish and govern the Petroleum Advisory Committee. The law reduces the frequency of refiner reports from quarterly to annually and clarifies that the required reports may be made by affiliates. The law provides that, although the Attorney General is required to consult with industry stakeholders concerning any future proposed legislative changes to the Act, the final decision regarding the substance of any legislative recommendation is entirely within the Attorney General's discretion.

Public Law 2005, chapter 155 was enacted as an emergency measure effective May 20, 2005.

LD 601 **An Act To License Real Estate Rental Agents** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON SULLIVAN	ONTP	

LD 601 proposed to require an individual or business engaged in the rental of residences in buildings consisting of one to 4 dwelling units to be licensed by the Real Estate Commission within the Department of Professional and Financial Regulation. It also proposed to require the Real Estate Commission to establish routine technical rules for license qualifications.

LD 633 **An Act To Improve the Surety Bond Requirement for Small Payroll Companies** **PUBLIC 278
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDELL DOW	OTP-AM	H-417

LD 633 proposed to amend the laws that provide an exemption for certain payroll processors from the requirement of surety bonding to provide that a payroll processor that does not have custody of a client's funds would not be required to obtain a surety bond. It proposed to lower the initial application and annual renewal application fee to \$100 for payroll processors with fewer than 100 employers as payroll processing clients.

Committee Amendment "A" (H-417) proposed to replace the bill and change the title. It proposed to alter the sliding scale for initial application and annual renewal application fees for payroll processors and lower the minimum surety bond requirement from \$100,000 to \$50,000. It also proposed to provide an exemption from the requirement of surety bonding if the payroll processor arranges for the transfer of funds from an employer's account directly to taxing authorities for payment of the employer's taxes, as long as the payroll processor is not authorized to arrange for the transfer of the client's funds for any other use or to any other accounts.

Enacted law summary