

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

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Rep. Robert A. Berube

Rep. Lawrence E. Jacobsen

Rep. John C. Robinson

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Maine State Legislature

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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.

Joint Standing Committee on Business, Research and Economic Development

LD 750

An Act To Clarify the Authority of Podiatrists To Use Assistants

**PUBLIC 77
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY O'BRIEN	OTP-AM	H-115 SMITH N

LD 750 proposed to amend the laws governing podiatric practice by clarifying that podiatrists are authorized to use podiatric assistants in all aspects of podiatric medicine if each podiatric assistant is in training or has completed training and has received a competency evaluation approved by the Board of Licensure of Podiatric Medicine. The bill also proposed to clarify that when a podiatrist delegates activities to a podiatric assistant, the podiatrist is liable for the medical activities of that assistant.

House Amendment "A" (H-115) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2005, chapter 77 amends the laws governing podiatric practice by clarifying that podiatrists are authorized to use podiatric assistants in all aspects of podiatric medicine if each podiatric assistant is in training or has completed training and has received a competency evaluation approved by the Board of Licensure of Podiatric Medicine. The law provides that a podiatrist who delegates activities to a podiatric assistant creates an agency relationship and the podiatrist is liable for the medical activities of that assistant.

Public Law 2005, chapter 77 was enacted as an emergency measure effective May 5, 2005.

LD 776

An Act Requiring the Disclosure of Odometer Changes

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N BROMLEY	ONTP	

LD 776 proposed to require used car dealers to disclose to consumers when an odometer has been replaced, even if the odometer was replaced to change the measuring of distance from kilometers to miles.

LD 788

Resolve, Authorizing the Office of Consumer Credit Regulation To Study the Payday Advance Industry and Related Consumer Credit Lending Issues in Maine

RESOLVE 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE SULLIVAN	OTP-AM	H-241

LD 788 proposed to establish a regulatory mechanism for deferred deposit loans. The bill proposed to designate the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation as the regulator of lenders making deferred deposit loans. It proposed to set forth necessary licensing, fees and bond requirements

Joint Standing Committee on Business, Research and Economic Development

for lenders. The bill also proposed to establish requirements for lender reporting and examination of these lenders.

The bill also proposed to specifically provide a number of consumer protections, including disclosure requirements for written loan agreements, maximum loan amounts, limitations on fees charged to consumers, maximum and minimum terms for loan agreements and requirements for collection practices.

Committee Amendment "A" (H-241) proposed to replace the bill with a resolve. It proposed to direct the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation in consultation with the Office of the Attorney General, the banking and lending industry and consumers, to study the current market for payday advance services and sub-prime lending practices in the State. It proposed to direct the office to report its findings, along with any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

Resolve 2005, chapter 24 directs the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation, in consultation with the Office of the Attorney General, the banking and lending industry and consumers, to study the current market for payday advance services and sub-prime lending practices in the State. It also directs the department to report its findings, along with any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

LD 825

Resolve, To Improve Statewide Business Assistance Services

RESOLVE 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON MAYO	OTP-AM	H-475

LD 825 proposed to require the Department of Economic and Community Development to apply for exclusive use of the 3-1-1 phone number to use that phone number as a means of providing access to the Business Answers program operated by the department. This resolve also proposed to require the department to expand the hours of operation of the Business Answers phone line from 7 a.m. to 9 p.m.

Committee Amendment "A" (H-475) proposed to replace the bill. This amendment proposed to direct the Department of Economic and Community Development to develop a proposal for promoting and marketing the Business Answers program, with a special focus on promoting its publicly accessible website and toll-free telephone service to the public to increase the public's awareness of the valuable services that are being offered by this program. This amendment proposed to require the department to report its findings, along with a written proposal identifying ways to improve the promotion and marketing of the Business Answers program, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

Resolve 2005, chapter 76 directs the Department of Economic and Community Development to develop a proposal for promoting and marketing the Business Answers program, with a special focus on promoting its publicly accessible website and toll-free telephone service to the public to increase the public's awareness of the valuable services offered by this program. This resolve directs the department to report its findings, along with a