

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 1215 **Resolve, To Benefit the Creative Economy** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO DAVIS P	ONTP	

LD 1215 proposed to direct the Commissioner of Economic and Community Development and the Maine Creative Economy Council to study ways to further the economic development of artists, craftspeople, musicians and people conducting other creative activities.

LD 1225 **An Act To Amend and Update Laws Regulating the Practice of Nursing** **PUBLIC 163**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A PERRY J	OTP	

LD 1225 proposed to clarify sections of law pertaining to the Maine State Board of Nursing by eliminating several outdated sections. The bill proposed to correct the name of the national licensing examination for nurses and update the exception to licensure for students.

Enacted law summary

Public Law 2005, chapter 163 clarifies sections of law pertaining to the Maine State Board of Nursing by eliminating several outdated sections. It also corrects the name of the national licensing examination for nurses and updates the exception to licensure for students.

LD 1261 **An Act To Allow Physicians Licensed in Other States but Trained outside the United States To Practice Medicine in Maine** **PUBLIC 363**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER CROSBY	OTP-AM	S-239

LD 1261 proposed to allow the Board of Licensure in Medicine, under exceptional circumstances, to waive the postgraduate training requirements for licensure as a physician in this State. The bill proposed to allow a physician to be considered for a waiver if the physician was a graduate of a foreign medical school, not including a school in Canada or Great Britain, was licensed in another state and had at least 2 years working experience in the area of expertise. If the physician met these requirements, the board could consider the physician for a waiver using criteria such as the completion of a fellowship, academic employment in a medical school in the United States and the number of years in practice.

Joint Standing Committee on Business, Research and Economic Development

Committee Amendment "A" (S-239) proposed to increase the requirements for consideration of a waiver of the postgraduate training requirements for licensure as a physician in this State from a minimum of 2 years of working experience to at least 3 years of clinical experience in the physician's area of expertise. It also proposed to provide that once the Board of Licensure in Medicine has determined that the physician has met the basic requirements for consideration of a waiver, it shall consider physicians that have completed a 3-year clinical fellowship in the area of expertise. The amendment placed the burden of proof on the applicant to prove the quality and content of the fellowship. It also proposed to require the board to consider publication in a peer-reviewed clinical medical journal that is recognized by the board and the number of years in clinical practice. The amendment proposed to require that costs associated with the board's determination of licensing eligibility must be borne by the applicant.

Enacted law summary

Public Law 2005, chapter 363 increases the requirements for consideration for a waiver of the postgraduate training requirements for licensure as a physician in this State from a minimum of 2 years of working experience to at least 3 years of clinical experience in the area of expertise. The law provides that once the Board of Licensure in Medicine has determined that the physician has met the basic requirements for consideration of a waiver, it shall consider physicians that have completed a 3-year clinical fellowship in the area of expertise. The burden of proof is placed on the applicant to prove the quality and content of the fellowship. The law also requires the board to consider publication in a peer-reviewed clinical medical journal recognized by the board and the number of years in clinical practice. The costs associated with the board's determination of licensing eligibility must be borne by the applicant.

LD 1263

**An Act To Contain Costs, Reduce Paperwork and Streamline the
Regulatory Process for Maine's Small Businesses**

PUBLIC 458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	H-678 SMITH N S-348

LD 1263 proposed to establish a Small Business Ombudsman position in the Governor's office that would utilize existing resources to advocate for the small business community and provide technical assistance to the Maine Regulatory Fairness Board. The bill also proposed to add 2 members to the board, one appointed by the President of the Senate and one appointed by the Speaker of the House. The bill proposed to change the frequency of the board's reports to the Governor and the Legislature from 2 times a year to 6 times a year and would require the Small Business Ombudsman to report certain information to the Governor and the joint standing committees of the Legislature having jurisdiction over business and economic development matters and state and local government matters. The bill also proposed to require the board to meet 6 times a year as opposed to 2 times.

Committee Amendment "A" (S-348) proposed to delete the provisions in the bill that would establish the Small Business Ombudsman position within the Governor's office. It also proposed to delete the provision that would have increased the Maine Regulatory Fairness Board's reporting requirements to the Governor and the Legislature from annually to 6 times a year. It would decrease the board's meeting requirements from 6 times a year to at least 3 times a year. It also provides that the Governor's appointees to the board must represent at least 2 members from businesses with fewer than 50 employees and at least 2 members from businesses with less than 20 employees. It also proposed to broaden the title of the Deputy Commissioner of Economic and Community Development to include Chief Executive of Small Business and Entrepreneurship. It also proposed to change the