

MAINE STATE LEGISLATURE

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**STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION**



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION**

JULY 1989

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Sen. R. Peter Whitmore

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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
ALLEN DILLENBACK CURRAN THERIAULT	OTP-AM	H-58

SUMMARY

This bill requires registration and bonding of credit services organizations, which are defined to include persons who charge a fee to assist consumers to obtain credit for 3rd parties (so-called "arrangers of credit" or "loan brokers"), and persons who charge a fee to improve consumers' credit reports or ratings ("credit clinics" or "credit repair services"). Arrangers of credit have historically been required to register with the Bureau of Consumer Credit Protection, but without any bonding to protect consumers. Credit clinics are not currently required to register or provide a bond.

Committee Amendment "A", in addition to making several minor technical changes to the bill, adds requirements for a written agreement between the consumer and the service provider and adds provisions for a disclosure form notifying consumers of the various protections granted by the bill. Finally, the amendment supplements the "penalties" section of the legislation by granting the consumer an independent right to bring a civil suit against a service provider for actual out-of-pocket losses, plus costs of the action.

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
GURNEY TARDY BRANNIGAN	ONTP	

SUMMARY

This bill prohibits the use of automated telephone systems or devices for purposes of soliciting potential purchasers of goods or services, gathering data or information or for use in a political campaign. The bill does not prohibit the use of automated telephone systems or devices to inform a person who has already purchased goods of the status of those goods or to respond to a consumer's inquiry. A person who uses an automated telephone system or device in violation of this prohibition commits a Class E crime.

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
COTE ALIBERTI WHITCOMB WHITMORE	OTP-AM	H-292 H-466 ALLEN

SUMMARY

The purpose of this bill is to establish a method for the registration of particular names or markings on shopping carts, milk cases, bakery baskets and trays and egg baskets and to enact provisions to thwart the misuse and theft of these containers.

Committee Amendment "A" eliminates egg baskets, laundry carts and poultry boxes from the provisions of the bill. It extends the provisions to cover any misuse of the containers, not merely commercial misuse. It adds the provision that possession of these containers shall create the presumption that they are possessed in violation of the provisions of the bill. It eliminates the civil penalty established in the bill.

House Amendment "A" (not adopted) to Committee Amendment "A" includes egg baskets as proposed in the original bill.

House Amendment "B" to Committee Amendment "A" accomplishes the following:

1. Makes a change in the title of the bill;
2. Puts back the provision that was in the original bill that limits application of the law to those who take containers for commercial use;
3. Eliminates the provision that presumes that any possession of these containers is unlawful; and
4. Puts back the civil penalty provision of the original bill and adds a forfeiture of up to \$10 per container to the bill's forfeiture of up to \$100 per violation.

LD 168 An Act to Amend the Home Construction Contracts Law

PUBLIC 193

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

BRANNIGAN
WHITMORE
ALLEN
STEVENS A

OTP

SUMMARY

This bill requires contractors to make specific reference to the State's minimum energy efficient building standards in contracts for home construction work.

LD 181 An Act Regulating Plastic Connectors for Containers

LV/WD

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

MITCHELL
COLES
JACQUES
ADAMS

LV/WD

SUMMARY

Present law prohibits plastic connectors for beverage and similar containers smaller than one gallon in size unless the plastic connector totally decomposes within a reasonable period of time. This bill requires decomposition within 90 days or less when the plastic ring connector or other plastic holding device is exposed to sunlight in Maine's climate at any season of the year, with reasonable assumptions about the degree of sunlight and shade. The Department of Agriculture, Food and Rural Resources is required to specify the test protocol by rule.