

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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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.

3. Clarifying existing law which places the burden of proof on the applicant, licensee, registrant or permit holder to show that there exists sufficient rehabilitation to warrant the public trust; and
4. Extending for licensees and registrants of certain boards the period of time for consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation. Presently, that period of time is 3 years. This bill would extend the period of time to 10 years.

Committee Amendment "A" adds the words applicants and registrants to those sections of the bill dealing with prior criminal convictions.

LD 567 An Act to Regulate the Installation of Fire Sprinklers

PUBLIC 247

| <u>SPONSOR(S)</u> | <u>COMMITTEE REPORT</u> | <u>AMENDMENTS ADOPTED</u> |
|-------------------|-------------------------|---------------------------|
| CLARK N | OTP-AM | S-126 |
| WHITMORE | | S-139 BALDACCI |
| BOST | | |
| STEVENS A | | |

SUMMARY

This bill requires that persons installing fire sprinkler systems be licensed by the Department of Public Safety under criteria and fees to be set by that department. Each contractor must employ a person who is registered with the State as a fire sprinkler installation supervisor, which registration requires a minimum educational standard. Additionally, each individual installation is to require a permit based on a review of the plans for the proposed installation. The Fire Sprinkler Advisory Council is created to advise the State Fire Marshal on issues dealing with fire sprinkler safety.

Committee Amendment "A" amends the original bill as follows:

1. The definition of "plan" has been clarified to distinguish the roles of fire sprinkler system planners and professional engineers.
2. A registration is required for persons inspecting fire sprinkler systems other than certified responsible managing supervisors or agents of municipal or state government or licensed insurers.
3. Possible duplicate registration fees for certified responsible managing supervisors and professional engineers have been eliminated.
4. The requirement that each fire sprinkler system contractor employ full-time a certified responsible managing supervisor has been eliminated. This amendment provides that a fire sprinkler system contractor may retain a responsible managing supervisor either by employment or contract.
5. Requirements for maintaining a certified responsible managing supervisor have been simplified.
6. All plans submitted to the Office of the State Fire Marshall must indicate the certified responsible managing supervisor and installer. Additionally, within 30 days of completion of a system or addition, the responsible managing supervisor must certify that the system or addition was installed according to the plan.

7. The negligence standard for disciplinary action to be taken by either the Commissioner of Public Safety or Administrative Court has been restated as simple negligence, not "gross negligence."

Senate Amendment "A" adds a sprinkler fitter to the Fire Sprinkler Advisory Council and eliminates one of the 3 sprinkler contractors.

LD 568 **An Act to Amend the Law Relating to Automobile Leases** LV/WD

| <u>SPONSOR(S)</u> | <u>COMMITTEE REPORT</u> | <u>AMENDMENTS ADOPTED</u> |
|--------------------------------|-------------------------|---------------------------|
| BALDACCI JACKSON EMERSON | LV/WDF | |

SUMMARY

This bill amends the definition of retail sale to clarify that consumers who lease vehicles will not have to pay the cost of sales tax in the lease as an up front cost, but rather may pay a use tax on a monthly basis through the effective life of the lease.

This bill was rereferred to the Taxation Committee.

LD 586 **An Act to Regulate Charges for Liquid Propane** LV/WD

| <u>SPONSOR(S)</u> | <u>COMMITTEE REPORT</u> | <u>AMENDMENTS ADOPTED</u> |
|-------------------|-------------------------|---------------------------|
| JACQUES | LV/WD | |

SUMMARY

This bill prohibits dealers of liquid propane from establishing minimum annual fees for the use of their equipment.

LD 587 **An Act to Allow Sunday Retail Sales from Memorial Day to Labor Day** LV/WD

| <u>SPONSOR(S)</u> | <u>COMMITTEE REPORT</u> | <u>AMENDMENTS ADOPTED</u> |
|-------------------|-------------------------|---------------------------|
| DUFFY KETOVER | LV/WD | |

SUMMARY

The purpose of this bill is to expand the number of Sundays on which retail stores, regardless of size or number of employees, may do business. The bill allows retail stores to remain open on Sundays from Memorial Day to Labor Day, in addition to those winter Sundays on which they may currently remain open, in municipalities or unorganized places which vote to allow them to do so. The procedures for conduct of this local option election are those outlined in the Maine Revised Statutes, Title 28-A, sections 121 to 124, which deal with local option elections on sales of alcoholic beverages on Sundays. The bill allows stores which may be open during this summer period to operate between noon and 5 p.m. as under current law. The bill does not otherwise affect the types of businesses subject to Sunday closing laws. The bill disallows contractual terms which require retail store owners to remain open on these summer Sundays under certain circumstances.