

# 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. Barry J. Hobbins**  
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**\* Denotes Chair**

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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.

Committee Amendment "A" clarifies that garages are included in the home construction contract law by stating that the warranty shall cover other appropriate uses in addition to habitation. It changes the definition of "change orders" to include any revision, not just a revision upward. This change makes the revised section consistent with other sections of the current law.

LD 1311 An Act to Amend the Third-party Prescription Program Act and  
Provide for Responsible Health Care Decisions

CARRY OVER

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

HANDY  
DUTREMBLE D  
JOSEPH  
RUHLIN

SUMMARY

This bill allows any pharmacy to participate in a 3rd-party prescription program as long as the pharmacy has registered with the Superintendent of Insurance.

LD 1314 An Act to Regulate the Use of Water Glass Adhesive on  
Shipping Labels

LV/WD

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

BOUTILIER  
MATTHEWS  
RUHLIN

LV/WD

SUMMARY

The committee was told that the use of water glass as an adhesive on shipping labels is dangerous as it has a tendency to flake and can cut those handling the packages. This bill limits the use of this adhesive to those situations where use of an alternative is impractical.

**LD 1348** An Act to Protect Children from Illegal Tobacco Sales

PUBLIC 445

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

ALLEN  
CLARK N  
PENDLETON  
BRAWN

OTP-AM

H-518  
S-304 CLARK N  
S-305 BALDACCI

SUMMARY

This bill establishes a mechanism for enforcement of the prohibition against tobacco sales to minors by requiring retailers of tobacco to obtain a retail tobacco sales license. That license may be revoked or suspended if the licensee persists in selling tobacco products to minors. The bill also establishes a store-based permitting system for those employees who sell tobacco products. Failure to obey the law prohibiting tobacco sales to minors may result in penalties to the store clerk as well as to the owner.

This bill places enforcement authority in the Bureau of Liquor Enforcement, which will become the Bureau of Liquor and Tobacco Enforcement. The Administrative Court has jurisdiction over violations of this law, paralleling the liquor laws.

Committee Amendment "A" eliminates the provisions of the original bill dealing with licensing and registering persons who sell tobacco and increasing the responsibilities of the Department of Finance, Bureau of Liquor Enforcement and Bureau of Alcoholic Beverages to include tobacco. It keeps the provisions of the bill which prohibit furnishing or selling cigarettes or tobacco products to those under 18 and prohibits purchase or possession of cigarettes or tobacco products by those under 18. This amendment also retains the provision requiring stores to post notices of the prohibition of tobacco sales to minors.

The amendment adds a provision which tightens the law regarding vending of tobacco products and another which prohibits the sale of cigarettes in quantities less than those in which the manufacturer packaged them. It provides that persons under 18 who violate the prohibitions on cigarette and tobacco product sales and purchases will be dealt with under the provisions of the Maine Juvenile Code, the Maine Revised Statutes, Title 15, Part 6, and through the Juvenile Court.

Senate Amendment "A" to Committee Amendment "A" removes the prohibition against possession of cigarettes or other tobacco products by children, but retains the prohibition against purchase.

Senate Amendment "B" to Committee Amendment "A" adds a fiscal note which states that the Lung Association will pick up the cost of providing the notices required by the bill.

**LD 1351 An Act Amending the Oil and Solid Fuel Board Laws**

**PUBLIC 320**

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

TELOW  
GURNEY

OTP-AM

H-370

SUMMARY

This bill authorizes State compliance officers to order the installers, as well as the owners, to correct code violations for improper installation of oil burners.

Committee Amendment "A" removes reference to the regulations of 2 national associations and empowers the State's Oil and Solid Fuel Board to set forth all standards and regulations for product and installation approval of oil and solid fuel burners.

**LD 1407 An Act Concerning Complaints Against Health Care Practitioners**

**PUBLIC 462**

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

GWADOSKY  
FARNSWORTH  
RYDELL

OTP-AM

H-546

SUMMARY

This bill accomplishes the following.

1. Adds 3 members of the public to the Board of Registration in Medicine.
2. Requires investigation of consumer complaints by the board to be done in a timely fashion.
3. Requires a report by the board to the Legislature concerning the disposition of complaints received by it.