

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.

f. The notice provided consumers shall not include window stickers.

House Amendment "A" to Committee Amendment "A" provides an appeals procedure for consumers who are denied relief by the arbitrator.

LD 1435 An Act to Prohibit Possession of Improperly Labeled Beverage Containers

ONTP

SPONSOR(S)
MCGOWAN
DIPIETRO
JACQUES
PRAY

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill makes it unlawful for a person to possess a nonrefundable beverage container in Maine which would be refundable if properly labeled.

This bill was rereferred to the Energy and Natural Resources Committee.

LD 1490 An Act to Amend the Real Estate Brokerage License Laws

**PUBLIC 471
EMERGENCY**

SPONSOR(S)
MILLS
JACKSON
TWITCHELL
ERWIN E

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-421

SUMMARY

Currently the employee of an owner of real estate is exempted from needing a real estate license in order to sell this real estate, if such a sale is "incident to his usual duties." Prior to 1987 the employee was exempt if the sale was "in the regular course of or incident to his usual duties." The committee was told that the board's rules do not include "in the regular course of" and were, therefore, in conflict with the old law. The effect of the 1987 change was that employees of golf courses or skiing facilities that sell condominiums owned by these businesses as their major duty were required to have a real estate license. This bill returns the law to its status prior to 1987.

There are 2 important items of background to this bill:

1. In the abstract, an argument could be made that the definition of "incident to" would include "in the regular course of". However, this argument would be hampered by the legislative history, in that the prior use of the term "in the regular course" would tend to indicate that the Legislature defined them differently.
2. The committee was told that it was not the intent of the Legislature in 1987 to eliminate the term "in the regular course." This elimination was apparently made in preparation of the report, with the explanation that the deleter considered the change technical not substantive.

Committee Amendment "A" allows employees of owners of condominiums to sell these condominiums without being a licensed real estate broker. It adds a public member to the Real Estate Commission.