

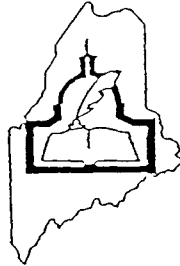
# MAINE STATE LEGISLATURE

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



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

**JUNE 1990**

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**One Hundred and Fourteenth Legislature  
Second Regular Session**

**Joint Standing Committee  
Bill Summaries**

**June 1990**

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. 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 or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, 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.

Senate Amendment "A" to Committee Amendment "A" removes the fee increases authorized in Committee Amendment "A" for initial registration and licensure. The amendment changes the fee schedule for renewals by authorizing a maximum biennial fee of \$100 until February 1, 1991, at which time the fee returns to the current statutorily authorized fee of \$25 biennially unless the Legislature authorizes a higher fee. The amendment also requires the advisory committee to include in its report due February 1, 1991, an analysis of and, justification for, the amounts of these fees.

**LD 1852 An Act to Amend the Professional Service Corporation Act**

**PUBLIC 613**

| <b>SPONSOR(S)</b>                          | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
|--|-------------------------|---------------------------|
| RIDLEY<br>HOBBINS<br>PARADIS P<br>HASTINGS | OTP                     |                           |

**SUMMARY**

The Professional Service Corporation Act was enacted in 1969 to allow professionals licensed in the same profession to practice in a corporate setting. However, "professional service" under the Maine Revised Statutes, Title 13, section 703, subsection 2, separately lists osteopaths and physicians and surgeons, thereby precluding these 2 types of professionals from practicing together in a single professional service corporation. The purpose of this bill is to define their service as the same for the purpose of the Professional Service Corporation Act, thus allowing osteopathic and allopathic physicians to practice together in a professional service corporation.

**LD 1866 An Act to Amend the Law Concerning the Use of Replacement Motor Vehicles**

**PUBLIC 623**

| <b>SPONSOR(S)</b>                         | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
|---|-------------------------|---------------------------|
| RICHARDS<br>ALLEN<br>LEBOWITZ<br>CAHILL P | OTP-AM                  | H-738                     |

**SUMMARY**

Current law limits to 30 days the time for which a person must be reimbursed for a rental car to replace that person's damaged vehicle. This bill removes the 30-day limit.

Committee Amendment "A" increases the limit to 45 days.

**LD 1892 An Act to Amend the Definition of Dealer Under the Used Car Information Laws**

**PUBLIC 684**

| <b>SPONSOR(S)</b>                              | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
|--|-------------------------|---------------------------|
| CAHILL P<br>MCPHERSON<br>MACOMBER<br>GOULD R R | OTP-AM                  | H-824 ALLEN<br>S-505      |

**SUMMARY**

The bill exempts finance companies and banks who are selling repossessed cars from the requirement that used cars must pass inspection and from the requirement of reporting prior damages.

Committee Amendment "A" exempts those institutions when they are wholesaling these cars, but not when they are selling them at retail. This amendment additionally requires that repossessed cars offered for sale at retail be identified as repossessed and removes the selling dealers from the responsibility of obtaining a statement of damages and defects from the previous owner.

House Amendment "A" to Committee Amendment "A" adds a broader waiver of responsibility for dealers selling and repossessing cars and, inadvertently, eliminates the provision that repossessed cars must be identified as such. This last point was corrected in an errors bill.

**LD 1929 An Act to Amend the Counseling Licensing Laws**

**PUBLIC 895**

| <b>SPONSOR(S)</b> | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
|-------------------|-------------------------|---------------------------|
| CLARK N           | OTP-AM                  | S-640                     |
| WEBSTER M         |                         | S-721 PEARSON             |
| DUTREMBLE D       |                         |                           |
| BALDACCI          |                         |                           |

**SUMMARY**

Current law provides for a conditional license for persons who have met the educational requirements for licensure as a counselor while they are obtaining the required 2 years of supervised experience. This bill adds a reference to this conditional license as being "time-limited" and extends its provision to those who were practicing counseling at the time the law was enacted and are "actively seeking" the education and supervision required for licensure.

Current law requires a person to be licensed by October 1, 1990 in order to provide counseling. This bill sets this date back until October 1, 1992.

Committee Amendment "A" accomplishes the following:

1. The current law allows a conditional license to persons while completing the supervision required for licensure as a counselor. The original bill extended this to include persons completing the required education. This amendment eliminates that portion of the original bill.

2. This amendment exempts the following additional groups from the necessity to be licensed as counselors:

1. Registered nurses.
2. Career, educational, human resource, management, organizational and vocational consultants.
3. Christian Science healers.
4. Certain practitioners who do not generally refer to themselves as counselors and who use narrow, specific skills to aid consumers in their development. Examples are astrologers, palm readers, and psychic diviners.

3. Current law requires a license which necessitates meeting certain requirements to be able to practice counseling. This amendment requires a license to be called a professional counselor, a marriage and family therapist or a licensed pastoral counselor and adds qualifications required to be a licensed pastoral counselor to those currently in law for the other categories. The amendment requires registration, which is open to anyone, to be allowed to practice counseling. It sets the effective date for requiring registration as October 1, 1992, the same date required for licensure in the original bill.

4. The amendment adds 2 licensed pastoral counselors, a third public member who is to be a consumer of counseling services, a person appointed by the Chancellor of the University System and a non-voting, non-traditional counselor to the Board, bringing its membership to 13.