MAINE STATE LEGISLATURE

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STATE OF MAINE 115TH LEGISLATURE

FIRST REGULAR SESSION AND FIRST SPECIAL SESSION

BILL SUMMARIES JOINT STANDING COMMITTEE ON BUSINESS LEGISLATION

AUGUST 1991

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Office of Policy and Legal Analysis Room 101, State House Station 13 Augusta, ME 04333 (207) 289-1670 MARTHA E. FREEMAN, DIRECTOR
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STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107/135 STATE HOUSE STATION 13 AUGUSTA, MAINE 04333 TEL.: (207) 289-1670 KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
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ONE HUNDRED AND FIFTEENTH LEGISLATURE FIRST REGULAR SESSION AND FIRST SPECIAL SESSION

JOINT STANDING COMMITTEE BILL SUMMARIES

AUGUST 1991

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX Chapter # of enacted Public Law P&S XXX Chapter # of enacted Private & Special Law RESOLVE XXX Chapter # of enacted Resolve CON RES XXX Chapter # of Constitutional Resolution passed by both Houses **EMERGENCY** Enacted law takes effect sooner than 90 days CARRIED OVER Bill carried over to 2nd Session FAILED EMERGENCY ENACTMENT Bill failed to get 2/3 vote ONTP Ought Not to Pass report accepted **LVWD** Leave to Withdraw report accepted INDEF PP Bill Indefinitely Postponed **DIED BETWEEN BODIES** House & Senate disagree; bill died Legislature failed to override Governor's Veto **VETO SUSTAINED** Not signed by Governor within 10 days UNSIGNED DIED ON ADJOURNMENT Action incomplete when 1st session ended

These summaries were 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.

If you have any suggestions or comments on these summaries, please let us know.

LD 21 An Act to Expand the Lemon Law to Include Recreational Vehicles

ONTP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

TRACY

ONTP

SUMMARY

This bill adds recreational vehicles to the vehicles covered under the Maine Lemon Law.

LD 30 An Act Regarding the Improper Installation of Chimneys and Fireplaces

ONTP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

LARRIVEE

ONTP

SUMMARY

This bill includes hearths and other related masonry parts in the definition of fireplace in the law concerning construction standards for chimneys and fireplaces. The bill also makes anyone who constructs or installs a chimney or fireplace in violation of the standards liable for the cost of repair or reconstruction.

LD 60 An Act to Ensure Access to Boards of Directors

PUBLIC 85

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

BUSTIN

OTP-AM

S-67

MELENDY

SUMMARY

This bill requires that boards of directors of nonprofit corporations make provisions to ensure that all employees have access to the directors, which provisions are to include an annual meeting.

Committee Amendment "A" replaces the provisions of the bill, forbids the termination of an employee for contact with the board and forbids the board to prohibit employees from contacting the board.

LD 116 An Act to Amend the Real Estate Brokerage Laws

PUBLIC 53

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

BALDACCI

OTP-AM

H-64 SHELTRA

REED G

S-27

SUMMARY

This bill addresses errors and omissions in the real estate brokerage laws. The bill:

- 1. Amends the definition for public members to be appointed to the Real Estate Commission by requiring that the public members have no current professional or financial connection to the real estate business:
- 2. Amends the causes for disciplinary action against a designated broker to include any person who may be acting on the agency's behalf, such as an owner or corporate officer;

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- 3. Amends the causes for disciplinary action to include failing to comply with a commission order or consent agreement;
- 4. Amends the list of reasons why a license may be denied to include failing to meet the professional qualifications for a license;
- 5. Amends the law on inactive licenses to permit both resident and nonresident licensees to place their license on the inactive status; and

House Amendment "A" makes a technical correction to existing law by incorporating the text of a headnote into the text of a subsection to clarify the reach of an exception to the law.

An Act to Amend the Board of Counseling Professionals LD 120 Licensure Laws

LV/WD

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

BALDACCI

LV/WD

SUMMARY

At present the Board of Counseling Professionals Licensure is comprised of 13 members including one nonvoting member who is a counselor "currently not qualified for licensure." This bill increases the size of the board to 14 members and includes 2 voting members who are counselors not licensed under this chapter but who are eligible for registration and must be registered by October 1, 1992.

LD 204 An Act to Amend the State Architect Licensure Laws

LV/WD

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

COLLINS

LV/WD

BALDACCI

SUMMARY

This bill amends the state architects licensure laws by expanding the work that may be done without an architect license to include any residence up to a 4-plex unit and remodeling or alteration of existing buildings.

An Act to Amend the Maine Uniform Transfers to Minors Act to LD 209 Permit the Holding of Custodial Property Registered under a Street or Nominee Name

PUBLIC 141

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

BALDACCI

OTP-AM

S-77

SUMMARY

The intent of the original bill was to allow securities held for a minor by a financial institution to be carried in the name of the institution, not the individual.

By utilizing the language recommended by the National Conference of Commissioners on Uniform State Laws. Committee Amendment "A" clarifies the bill. It also places it in the section of law recommended by the Conference.