

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

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.

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MICHAUD	OTP-AM MAJ	H-52 MAJ REP
	ONTP MIN	

SUMMARY

Currently, federal and state law requires that the suggested retail price be shown on a sticker affixed to the window of a new car. This bill requires that the average retail and trade-in prices from a used car guide be placed on the windows of used cars. The bill also requires that a car dealer who requires a deposit as part of a purchase agreement give the perspective purchaser a written receipt that states the conditions under which the deposit will or will not be refunded.

Committee Amendment "A" deletes the requirement that these prices be shown on a windshield sticker. It requires, instead, that a statement which indicates that this price guide is available upon request be added to the notice concerning repair policies that dealers with a repair facility must post in their repair facility. This amendment also deletes the requirement of a written statement from the dealer when a deposit is made on a purchase contract on a used car.

LD 374 An Act Related to Licensing Requirements for Landscape Architects**ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN	ONTP	
ERWIN		
TRACY		
BALDACCI		

SUMMARY

At the recommendation of the Audit and Program Review Committee, a law was passed in 1987 that required a license to practice landscape architecture. Prior to that time, persons had to be registered only if they wished to call themselves Maine registered landscape architects. Qualifications were a degree from a college of landscape architecture and 2 years experience. The 1987 law grandfathered persons who were registered (since the qualifications did not change) and gave other practitioners until January 1, 1992 to become licensed.

This bill removes horticulturists from the need to be licensed to practice landscape architecture.

LD 394 An Act to Amend the Charitable Solicitations Act**PUBLIC 77**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
STEVENS P	OTP-AM	H-66
GURNEY		
SHELTRA		
MATTHEWS		

SUMMARY

This bill prohibits the use of unfair or deceptive practices in the course of soliciting charitable contributions. The bill specifically prohibits material misrepresentations to potential contributors. This bill also prohibits the use of any person's or organization's name in the course of fund raising unless expressly authorized in writing by that person or organization.

Charitable organizations are also required to file with the Commissioner of Professional and Financial Regulation within 30 days of completion of a fund-raising campaign a report describing the amount of charitable solicitations received and the percentage used for charitable purposes.

Committee Amendment "A" replaces the reporting provisions of the bill and requires that, when a charitable organization hires a professional fund-raiser to assist in a fund-raising campaign, the charitable organization within 30 days of the completion of the campaign submit a report describing the amount of charitable solicitations received and the percentage used for charitable purposes.

LD 486 An Act to Regulate Welding ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TRACY SHELTRA GRAHAM	ONTP	

SUMMARY

The bill requires that all welding of a certain type be conducted according to the specifications of the appropriate national code. It empowers the Department of Labor, Bureau of Labor Standards and the Department of Transportation to inspect structures on which welding has taken place.

Additionally, this bill requires that persons engaged in certain types of welding be certified by the Bureau of Labor Standards or the Department of Transportation based on their demonstrated ability to meet the standards of the appropriate national code. Certification may be suspended or revoked for negligence, incompetence or misconduct. The bureau and the department are empowered to set fees to cover the cost of testing, certification and renewal.

LD 493 An Act to Improve Consumer Access to Physical Therapy Services PUBLIC 178

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLARK N BALDACCI SHELTRA LEBOWITZ	OTP-AM	S-93

SUMMARY

Under current law, physical therapists may only practice upon referral of a physician. This bill removed this restriction.

Committee Amendment "A" places the following restrictions on direct access to physical therapists. The amendment:

1. Allows physical therapists to practice manipulation when in the scope of the practice of physical therapy. It requires referral by a doctor of medicine, chiropractic or osteopathy in order to practice manipulative thrust on the vertebrae of the spine;
2. Prohibits medical diagnosis;
3. Requires referral by the physical therapist to a doctor of medicine, osteopathy, podiatry, dentistry or chiropractic when: