

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.

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)
TRACY
SHELTRA
GRAHAM

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

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)
CLARK N
BALDACCI
SHELTRA
LEBOWITZ

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
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:

- A. The patient's condition exceeds the scope of practice of physical therapy;
 - B. A patient shows no improvement within 30 days; and
 - C. Treatment is required beyond 120 days, unless consultation is obtained; and
4. States that an employer is not liable to the employee under the Workers' Compensation Act for physical therapist charges, unless the employee was referred to the therapist by a doctor.

Senate Amendment "A" to Committee Amendment "A" makes section 1 of the committee amendment applicable to chiropractors. This amendment was filed in error, since section 1 of the bill deals with exempting certain professions from the law regulating chiropractors.

LD 512 An Act to Amend the Real Estate Brokerage Licensing Law ONTP

SPONSOR(S) O'DEA	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

This bill allows the issuance of a 6-month temporary license to the legal representative of a deceased real estate broker or to the representative's designee.

LD 515 An Act to Expand Consumer Membership on the Board of Osteopathic Examination and Registration PUBLIC 150

SPONSOR(S) PARADIS J PENDLETON GWADOSKY	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-145
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SUMMARY

This bill replaces one professional member of the 7-member Board of Osteopathic Examination and Registration with a 3rd representative of the public and changes the designation of these members from public members to representatives of the interests of consumers.

Committee Amendment "A" adds, rather than replaces, 2 professional members, thus bringing the Board membership to 9.

LD 530 An Act to Amend the Fair Credit Reporting Laws PUBLIC 453

SPONSOR(S) BUSTIN BALDACCI STEVENS A SHELTRA	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-573 GRAHAM S-199
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SUMMARY

This bill encourages the use of social security numbers as a means of identifying credit consumers, requires that a person requesting credit be informed that a credit report on that person may be requested and increases to 30 business days the time in which a credit company must respond to a complaint.