

# 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:

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

Committee Amendment "A" requires that the board report to the Joint Standing Committee on Business Legislation on courses to be required, the procedures for approving course providers, the cost of this mandated continuing education program and the availability of courses in the various parts of the State.

**LD 619      An Act Regarding the Licensing of Nurses**

**PUBLIC 153**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
SWAZEY PINES CONSTANTINE DUPLESSIS	OTP-AM	H-154

**SUMMARY**

Currently, registered nurses and practical nurses must renew their licenses every year. This bill provides a 3 year renewal period. Also, the licensing fee has been adjusted to reflect the longer licensing period.

Committee Amendment "A" makes the following changes to the bill.

1. It changes the 3-year renewal period to a 2-year renewal period.
2. It removes the specific license fee and replaces it with a fee limit of \$100 per renewal.
3. It retains language currently in law that designates the anniversary of a person's birth as the expiration date of the license.
4. It provides an effective date of 1992 and provides that the renewal period for 1/2 of the licenses in that year are to be for one year.

**LD 623      An Act to Improve the Regulatory Operations of the Board of Licensing of Auctioneers**

**PUBLIC 203  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
STEVENS A RICH GURNEY MATTHEWS	OTP-AM	H-146 H-262    SHELTRA

**SUMMARY**

This bill accomplishes the following:

1. Increases the size of the Board of Licensing of Auctioneers by adding an additional public member and an additional licensed auctioneer;
2. Allows the board to adopt bonding requirements by rule. The current law requires a bond of \$10,000.
3. Allows the board a higher fee cap for new, renewal and nonresident licenses to cover the costs of administering the laws;
4. Adds "unprofessional conduct" as grounds for disciplinary action by the board;

5. Adds a requirement to the law that all auctioneers must enter into a written contract with all cosigners in a format designated by the board;
6. Repeals the exemptions in current law that allow unlicensed individuals to auction pedigreed animals or to auction foreclosure sales;
7. Provides that any person operating as an unlicensed auctioneer commits a Class E crime, which is consistent with the penalty provisions of other occupational licensing laws; and
8. Makes it mandatory that an auctioneer post and orally inform the consumer when the auctioneer is adding a buyer's premium charge to a purchase.

Committee Amendment "A" removes the provisions of the bill that require auctions of pedigreed animals and foreclosure auctions be conducted by licensed auctioneers. The amendment also adds a provision that requires a license for persons conducting any auction activity, not just auctioneering for others. An exception is made for persons who auction personal property maintained for their own use or property that their parents, spouse or children have maintained for their own use.

House Amendment "A" to Committee Amendment "A" additionally allows the auctioneer to auction the auctioneer's real estate.

**LD 673      An Act to Allow Home Buyers to Conduct Inspections for Radon      ONTP**  
**and Other Hazardous Substances**

<b>SPONSOR(S)</b> DORE KANY KETOVER TITCOMB	<b>COMMITTEE REPORT</b> ONTP	<b>AMENDMENTS ADOPTED</b>
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**SUMMARY**

This bill allows home buyers the option to condition their purchase of a home on the results of an inspection for hazardous problems such as high radon levels or asbestos.

This bill requires that all written home purchase contracts set forth this inspection option. If the buyer decides to have an inspection and finds the results unfavorable, the buyer may void the contract and receive back any earnest money already paid. Sellers and buyers may agree in writing to exempt themselves in whole or in part from the requirements of this bill.

This bill sets forth a model statement that meets the inspection option required by this bill. The use of this statement is not mandatory. Buyers and purchasers may agree to adopt different or additional language as long as their statement meets the requirements of this bill.