

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE  
115TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

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

**AUGUST 1991**

**Staff:**  
*John B. Knox, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207) 289-1670*

**MEMBERS:**

*\*Sen. John E. Baldacci  
Sen. Zachary E. Matthews  
Sen. Donald L. Rich*

*\*Rep. Carl F. Sheltra  
Rep. Christopher S. Gurney  
Rep. Virginia Constantine  
Rep. Nason S. Graham  
Rep. Marc J. Vigue  
Rep. Jack L. Libby  
Rep. Albert G. Stevens  
Rep. Harry W. Bailey  
Rep. Leslie Kutasi, Jr.  
Rep. William F. Reed*

*\*Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
ULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
RON CLARK  
RYAN M. DYTTER  
BRO FLATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
KANE ORBETON



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  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

**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.

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 and Other Hazardous Substances**      **ONTP**

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

**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.