

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.

Initial registration is for one year. Subsequent reregistration is for 2 years. Registration fees are to be set by the board but are not to exceed \$125 a year. The board may refuse reregistration or suspend or revoke registration based on a number of grounds, including incompetence, violation of a board-developed code of ethics, failure to exercise diligence, negligence, misconduct and violation of building codes and ordinances.

This bill establishes the Board of Building Contractors to oversee contractor regulation. The board is to have its first meeting by November 10, 1991 and registration is required by October 1, 1992. The board is to make available educational materials for contractors and for consumers, including a bill of rights, procedures for dealing with contractors and a listing of registered contractors, including appropriate information from their registration forms.

LD 994 An Act to Amend the Maine Traveler Information Services Laws CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN TWITCHELL		

SUMMARY

This bill requires that an applicant for an official business directional sign erect the sign at the applicant's expense. Current law requires only that the applicant furnish the sign. This bill also includes real estate signs alerting the traveler to the sale or lease of real property among those signs that may be erected and maintained without a license or permit.

LD 1007 An Act to Address Budgetary Concerns of the Maine Athletic Commission and to Deregulate Certain Aspects of the Sport of Wrestling PUBLIC 338 EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BAILEY H TAMMARO WEBSTER GURNEY	OTP-AM	H-314 H-338 SHELTRA

SUMMARY

This bill:

1. Changes the authority under which members of the Maine Athletic Commission are appointed from the Department of Professional and Financial Regulation to the Governor;
2. Authorizes the Commission to establish a medical advisory committee to alleviate the problem of obtaining adequate medical staff for events and to provide medical advice to the Commission;
3. Allows the Commission to set fees for athletes and promoters;
4. Eliminates licensing requirements and fees for wrestling participants to reflect more adequately industry and event structure;
5. Revises the advance bond requirements to ensure tax payments by promoters; and

6. Provides a specific per diem for commissioners and eliminates any ceiling on per diem that can be earned in a year. Currently, they are restricted to \$1,000 in per diem a year but no per diem figure is given.

Committee Amendment "A" sets a limit of \$50 a year for all but promoters' licenses.

House Amendment "A" adds a necessary allocation section to the bill.

**LD 1008 An Act to Require that Employee Leasing Companies Register
with the State and to Amend the Employment Security Law**

PUBLIC 468

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GWADOSKY	OTP-AM	H-438
GILL		H-543 SHELTRA
CONSTANTINE		
MITCHELL E		

SUMMARY

This bill provides for registration procedures for staff management companies doing business in Maine. Such companies are also known as employee leasing companies. Staff management companies take over the employment function and the fringe benefits, especially health insurance, for small businesses.

This bill recognizes the dual employment relationship established by staff management arrangements and confirms that staff management companies may continue current practices relative to maintenance of benefit plans, payment of Maine unemployment contributions and satisfying workers' compensation insurance coverage requirements. The shared employment situation for such employees is also recognized for purposes of preserving immunity for both "employers" under the workers' compensation laws.

This bill prevents use of captive leasing companies and other means that could result in avoidance of proper payment of workers' compensation premiums by businesses using employee leasing arrangements. This bill deals only with staffing arrangements that are intended to be long-term. It does not cover temporary replacement workers.

Committee Amendment "A" replaces the bill and uses the nationally accepted term "employee leasing company" rather than "staff management company." This amendment requires submittal of additional registration information by employee leasing companies. It provides additional flexibility to the Superintendent of Insurance to promulgate rules applicable to the provision of workers' compensation insurance to workers involved in an employee leasing arrangement and places additional restrictions on employee leasing companies that offer workers' compensation insurance to their workers. The amendment also establishes that registration is with the Superintendent, provides for additional criminal penalties for violation of the requirements of the Maine Revised Statutes, Title 32, chapter 125, precludes employee leasing companies from making unemployment contributions on behalf of workers who are sole proprietors or partners of client companies, imposes certain reporting requirements on employee leasing companies for purposes of unemployment contributions, establishes a surety bond procedure for employee leasing companies, provides a retroactive effective date for certain provisions and ensures that the provisions dealing with unemployment compensation do not affect the temporary help industry.

House Amendment "A" to Committee Amendment "A" eliminates the requirement that employee leasing companies maintain a surety bond and instead permits them to do so.