

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.

LD 1098 An Act to Protect the Rights of Independent Sales Representatives after Termination of Their Contracts

PUBLIC 296

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-----------------------------------------|-------------------------|---------------------------|
| RYDELL KILKELLY CLARK N NADEAU | OTP-AM | H-347 |

SUMMARY

This bill requires a party terminating a contract between an out-of-state principal and a wholesale sales representative to give 60 days' written notice to the other party, unless the contract provides otherwise.

This bill also requires that principals pay commissions owing to wholesale sales representatives within 14 days following the termination of their contracts. The bill provides for the payment of triple damages, plus attorney's fees and court costs, for the failure to promptly pay post-termination commissions.

LD 1120 An Act to Expand the Grounds for Discipline of Osteopathic Physicians and Surgeons

ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-----------------------|-------------------------|---------------------------|
| PARADIS J GWADOSKY | ONTP | |

SUMMARY

This bill expands the grounds for discipline of osteopathic physician and surgeon certificate holders.

LD 1123 An Act to Improve Credit Reporting

ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-----------------------------------------------|-------------------------|---------------------------|
| STEVENS A CONSTANTINE RICH THERIAULT | ONTP | |

SUMMARY

This bill resulted from a working group convened by the Superintendent of the Bureau of Consumer Credit Protection.

The bill requires that a merchant or lender offer to disclose to a consumer the name of the credit reporting agency the lender or creditor will use to make the credit decision. The bill directs creditors to ask consumers to supply identifying information, including a social security number. It does not require that the consumer provide that information. If the consumer chooses to provide the information, the bill requires that the creditor use that information in reporting credit data and further requires that the credit reporting agencies use that information in their files. The bill grants rule-making authority to the Bureau of Consumer Credit Protection to allow minor procedural requirements to be implemented without all parties having to appear before the Legislature. The bill authorizes the registration of credit reporting agencies operating in the State.

The bill clarifies the right of consumers to receive credit information in response to a telephone request and insulates credit reporting agencies from liability for improper disclosures, as long as reasonable measures are in place to prevent those mistaken disclosures.

The bill prohibits debt collectors from listing debt collection companies on consumers' credit reports. The name of the actual creditor may be listed, as long as the creditor has given the debt collector permission. The bill allows consumers enhanced access to their own credit reports by allowing consumers to obtain free copies of their reports once each year.

The bill allows a credit reporting agency to put an item of credit information back in a consumer's report if the information is verified and notice has been sent to the consumer notifying the consumer that the item will be reappearing on the report. The bill provides that a consumer has 60 days following denial of credit in which to request a free copy of the credit report from that consumer's credit reporting agency.

The bill clarifies that a creditor may show a credit report to a consumer to whom the report pertains. While this is currently allowed by law, the wording of the provision is not clear. The bill requires that a consumer's report be provided to the Superintendent of the Bureau of Consumer Credit Protection upon request, if necessary to assist a consumer who has filed an inquiry or complaint with the Bureau of Consumer Credit Protection.

LD 1148 An Act Concerning Slack-filled Food Packages

LV/WD

SPONSOR(S)
GOULD R A
TRACY

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

This bill addresses the recent practice by food product manufacturers of reducing the content of product while maintaining the package size or of increasing the package size while not increasing the content of product.

Specifically, the bill does the following:

1. Requires the manufacturer to place a notice of these changes either on the package or on the shelf next to the package;
2. Revises the Maine Weights and Measures Law, the Maine Criminal Code concerning fraud and the Maine Food Law to clarify that current provisions concerning deceptive packaging in these laws include slack-filled packages, that is, those in which volume contents are significantly less than the package size allows, even though the package states that the package is sold by weight not volume; and
3. Requires that the Department of Agriculture, Food and Rural Resources provide information for the consumer concerning where to make complaints regarding slack-filled packages.