

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.

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BALDACCI	OTP-AM	S-282
REED W		S-295 PEARSON
RICH		

SUMMARY

The bill:

1. Clarifies the definition of the terms "architect" and "landscape architect." "Technical submissions" replaces "drawings and specifications" as the term to describe those documents whose preparation requires a license.
2. Provides further clarity as to the requirements that corporations and partnerships must meet in order to practice architecture and landscape architecture. In addition, provides that if licensure of an applicant, whether or not a corporation or partnership, by the Maine State Board for Licensure of Architects and Landscape Architects is pending or the applicant is not otherwise able to render architectural or landscape architectural services, the applicant may offer to render those services under limited circumstances.
3. Provides for uniform licensure and establishes a uniform licensure fee for both residents and nonresidents. Adjustments to renewal and reissuance fees are also provided;
4. Repeals the present requirements for issuance of certificates of registration without examination;
5. Provides the circumstances in which a license may be issued without examination. A certification issued by the National Council of Architectural Registration Boards, licensure by other jurisdictions, certification by the Council of Landscape Architectural Registration Boards and landscape architect licensure from other jurisdictions are acceptable;
6. Provides for the method of issuance of a license by the Maine State Board for Licensure of Architects and Landscape Architects;
7. Requires a licensee to obtain a seal and submit an impression to the Maine State Board for Licensure of Architects and Landscape Architects. All technical submissions prepared by a licensed architect or landscape architect or a person under the direct supervision of a licensed architect or landscape architect must be stamped with the seal. Any official with enforcement duties can not accept any technical submission unless it is stamped with a seal or certified as a specific exception as provided in the Maine Revised Statutes, Title 32, section 225. Building permits so issued are invalid; and
8. Provides exceptions for nursery owners, horticulturists, landscape architects, and for single and 2-family dwellings.

Committee Amendment "A" does the following.

1. It adds a 2nd public member to the Maine State Board for Licensure of Architects and Landscape Architects.
2. It allows the use of the title "architectural designer" without a license.

3. It allows the practice of landscape architecture without a license. It removes the exempted practices that are no longer necessary with the elimination of the prohibition on practicing the profession.
4. It grants to transportation landscape architects employed by the government an exemption to the requirement that a license is needed to use the title "landscape architect."

Senate Amendment "A" to Committee Amendment "A" makes a technical correction to the fiscal note.

LD 1775 An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks

CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TRACY		H-285 CHONKO
GRAHAM		H-526 TRACY
SHELTRA		
BALDACCI		

SUMMARY

In order to give insurance companies a greater certainty of how the courts will decide a liability suit, this bill puts into statutory law certain issues which are generally left in common law concerning the operation of the ice rinks. The bill requires that operators maintain their skating equipment and skating surfaces in safe condition, that skaters skate in a safe fashion and that skaters be made aware of the dangers of ice skating.

House Amendment "A" removes political subdivisions of the State from the definition of operator in order that they may retain the protections afforded by the Maine Tort Claims Act.

LD 1792 Resolve, to Postpone the Adoption and Implementation of the BOCA Plumbing Code by the State

**RESOLVE 19
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KILKELLY	OTP-AM	H-524
CONSTANTINE		
MCCORMICK		
CAHILL P		

SUMMARY

Legislation passed in 1989 requires the Department of Human Services to implement a nationally recognized plumbing code. The department held a public hearing on adopting a code but did not hold one prior to adopting the code selected. Subsequent to the adoption of the rule to implement the nationally recognized code, written criticism on the proposed change was received by the department and by Legislators.

The purpose of this resolve is to require the Department of Human Services, Division of Health Engineering to hold public hearings on the adoption of the selected code and to develop a report to be submitted to the Legislature.

Committee Amendment "A" sets dates for the presentation of the report and implementation of the code, details what the report is to contain and specifies the Joint Standing Committee on Business Legislation as the recipient of the report.