

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

SECOND REGULAR SESSION

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

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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 far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

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

PUBLIC 648

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TRACY GRAHAM SHELTRA BALDACCI	OTP-AM	H-874

SUMMARY

This bill prescribes the duties and liabilities of ice-skating rink operators and persons who use ice-skating rinks. The bill also provides for the acceptance of certain risks by persons who utilize ice-skating rinks.

Committee Amendment "A" (H-874) 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 1829 An Act to Transfer Responsibility for the Regulation of Home Service Contracts from the Real Estate Commission to the Bureau of Insurance

PUBLIC 627

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RICH SHELTRA CARLETON	OTP-AM	S-524

SUMMARY

A home service contract is a contract offered in connection with the sale of a property, in which the insurer agrees to defray the cost of repair of the home for a period of time. The original bill transferred the regulation of home service contracts from the Real Estate Commission to the Bureau of Insurance, required the registration of individual sales agents and set financial standards for home service companies.

Committee Amendment "A" deletes the bill and in its place requires that the Superintendent of Insurance perform any financial audit that the Real Estate Commission may feel is necessary and make a recommendation to the Commission. The Commission may then take action to suspend or revoke the company's license if that is felt to be desirable.

LD 1866 An Act to Prevent Certain Restraint of Trade Practices

PUBLIC 675

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
STEVENS P HOGLUND CONSTANTINE CONLEY	OTP-AM	H-919 H-975 SHELTRA

SUMMARY

The original bill requires an optometrist to refer cases of pathology to an ophthalmologist, removes the majority of the restrictions on corporate practice of optometry and requires the release of contact lens prescriptions.

Committee Amendment "A" removes the first two of these provisions. It provides for the release of contact lens prescriptions only after initial fitting of the lenses, requires that the prescription have an expiration date and provides that the wearer can not have the released prescription filled by mail, except by a physician. It removes the prescribing optometrist from liability for negligence by the person filling the prescription. It adds a requirement that the Board of Optometry prepare and make available a publication designed to make a person an educated consumer of optical products and services, including the consumers right to complain to the Board. This amendment also places provisions similar to these in the statutes for medical doctors and osteopathic doctors, so that they will apply to ophthalmologists and other physicians who prescribe contact lenses.

House Amendment "A" (H-975) to Committee Amendment "A" clarifies that the prescription must be provided at no cost to the consumer, and that any corporation or other entity which engages in or condones the release of an inaccurate or incorrect contact lens prescription is also subject to the penalty provisions of the bill.

LD 1891 An Act Concerning Railroad Personnel

INDEF PP

SPONSOR(S)

HUSSEY
MCKEEN

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-931

SUMMARY

This bill repeals the law which regulates railroad personnel. The United States District Court has determined that the provisions of Title 32, chapter 60 offend the Supremacy Clause, Article VI, Section 2 of the United States Constitution and therefore render chapter 60 unconstitutional.

The bill also provides for the refunding of all fees paid to the Board of Licensure of Railroad Personnel by individuals pursuing licensing under Title 32, chapter 60.

Committee Amendment "B" repeals cross-references in the Maine Revised Statutes to the Board of Licensure of Railroad Personnel, which is repealed in the bill.

LD 1909 An Act to Regulate Certain Warranty Practices for Repairs to Watercraft

PUBLIC 631

SPONSOR(S)

KONTOS
TITCOMB
RICH
MELENDY

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-866

SUMMARY

The bill requires that a franchised watercraft dealer be adequately and fairly reimbursed by the manufacturer for parts used in satisfying a warranty.

Committee Amendment "A" requires that the franchiser be reimbursed at the retail rate. This matches a change made last year to a similar law for automobile warranties.