

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 2025 An Act to Prevent Insurers from Mandating the Use of Specific Parts, Products or Businesses

ONTP

SPONSOR(S)
VIGUE
RICH

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

Currently, insurers are forbidden to require that an insured go to a specific company to have auto glass repaired.

The original bill also forbids the insurer from specifying a certain brand or age of repair parts and extends the coverage of the law to all auto parts.

Committee Amendment "A" eliminates the provisions of the bill and adds only a provision that insurers may not recommend a specific facility for the repair of auto glass.

LD 2032 An Act to Repeal the Provisions of the Uniform Commercial Code Relating to Bulk Transfers

PUBLIC 636

SPONSOR(S)
MARSANO
MAYO
HOLLOWAY

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

This bill carries out the recommendation of the Uniform Law Commissioners by repealing the provision of Maine law which relates to the Uniform Commercial Code regulating bulk transfers. This provision required that a business planning to sell a major portion of its inventory must give notice to its creditors. Present law is felt to give creditors adequate alternative protection without the bulk transfer provision.

LD 2103 An Act to Amend the Laws Governing Emergency Medical Technicians

PUBLIC 742

SPONSOR(S)
VIGUE
FARNUM

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1050 VIGUE
H-961

SUMMARY

Last year the Legislature passed a bill that eliminated the statutory requirement that a basic emergency medical technician pass an exam every three years, but left the option that this could be required by rule. This year's bill gives the renewer the option of taking the test or demonstrating skill competence through run report reviews and continuing education. An amendment to do this was added by the Business Legislation Committee to last year's bill but, for some reason, possibly oversight, it was not adopted.

Committee Amendment "A" eliminates the ambulance service and first responder service members of the 13-member Emergency Medical Services' Board and replaces them with a second physician, nurse and member of the public. It also requires that the regional members of the board, of which there are currently 6, must be members of a profession regulated by the board or members of the general public. Currently, there are no qualifications for these members.

House Amendment "A" (H-1050) to Committee Amendment "A" strikes the proposed changes to the board and replaces those changes with a provision that requires that 3 of the non-council regional positions must be filled by licensed emergency medical services' persons.

LD 2113 An Act to Clarify and Improve the Regulation of Home Food Service Plans

PUBLIC 750

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GURNEY RICH	OTP-AM	H-1006 TAMMARO H-1048 SHELTRA H-987

SUMMARY

Last year the Legislature passed a bill that required that all door-to-door sellers of frozen food inform the purchaser of the price per unit based on all charges to the consumer.

This bill seeks to exempt companies that provide a home service plan from the provisions of last year's law and to cover them by their own law. The major difference between the proposed and current law is that the price per pound given the customer need not take into effect all charges. In addition, there is no penalty for violators of the proposed law, while violators of current law are guilty of an unfair trade practice and a Class D crime.

Committee Amendment "A" repeals the requirement, enacted last year, that door-to-door sellers of frozen foods and sellers of home food service plans be required to disclose to their customers the full unit price of the food being sold and replace it with consumer protections that allow the consumer to cancel the contract within 10 days of signing the contract and also allow the consumer to cancel at no charge the initial food order when it is actually delivered to the home.

House Amendment "A" (H-1006) to Committee Amendment "A" makes a technical correction.

House Amendment "B" (H-1048) to Committee Amendment "A" makes a technical correction to the committee amendment to ensure that the definition of merchandise under the transient sales law is returned to the same definition that was in place prior to the effective date of Public Law 1991, chapter 239.

Senate Amendment "A" (S-590) to Committee Amendment "A" is the same as House Amendment "B".

LD 2131 An Act Relating to Unredeemed Deposits

PUBLIC 819

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOGLUND BALDACCI	OTP-AM	H-1034 H-1197 SHELTRA

SUMMARY

Currently, Maine law states that if the minimum legal deposit on a container is abandoned it is to be held in trust for the State. Section 1866-A states that the deposit initiator is to pay to the State quarterly 50% of these unclaimed deposits, i.e. those not claimed within 60 days. The remainder becomes the property of the deposit initiator. If the deposit initiator pays out more in refund values than it collects over a 1 year period it is to be reimbursed by the State.

This bill exempts refillable containers from this provision and thereby allows the deposit initiator to retain all abandoned deposits.