

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

Staff:

John B. Knox, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

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STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

**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.

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.

The original bill contains a provision currently in law which requires a Department of Agriculture report on wine and spirits container deposits by January 1, 1992 and calls for an increase in the minimum deposit contingent on this report. However, 32 MRSA section 1866, sub-§6 which required deposit initiators to report yearly data was repealed and replaced by section 1866-A which required quarterly reports effective the 3rd quarter of 1991, thereby making it impossible for the Department to provide the required report by January 1, 1992.

Committee Amendment "A" sets back the date of the required report until January 1, 1993 when a year's data is available and sets back the possible increase of the minimum refund value to 25¢ until 6 months after the report is published.

House Amendment "A" (H-1123) to Committee Amendment "A" leaves initiators of deposit of refillable containers subject to current reporting requirements and clarifies that all other unclaimed minimum deposits on these containers escheat to the State with 50% being retained by the deposit initiators, except that 100% is retained by initiators of deposits on refillable containers.

House Amendment "B" (H-1182) to Committee Amendment "A" is essentially the same as House Amendment "A".

House Amendment "C" (H-1197) to Committee Amendment "A" makes it clear that deposit initiators for refillable containers retain all unclaimed deposits.

LD 2148 An Act to Establish the Petroleum Market Share Act

PUBLIC 836

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BALDACCI	OTP-AM MAJ	H-1229 SHELTRA
MARSANO	ONTP MIN	S-640 MAJ REP
CONSTANTINE		S-657 BALDACCI
CLARK N		

SUMMARY

The original bill requires wholesalers of heating oil and motor fuel oil and retailers of heating oil to report gallonage information to the Attorney General and requires wholesalers to pay a fee of 35¢ for each 10,000 gallons of oil sold to retailers in the previous year. The retailer information is to be reported by municipality. The Attorney General is required to make an annual report to the Legislature. Violations of these provisions are subject to a civil penalty not to exceed \$10,000.

Committee Amendment "A" changes the retailer reporting requirement to require reports by county. It adds a requirement that every 60 days refiners report a list of retail outlets that they control and changes from the previous list. It raises the reporting fee to 45¢ per 10,000 gallons the first year and 40¢ in succeeding years. It repeals all reporting provisions effective October 1, 1994.

The amendment adds the following prohibitions:

1. A refiner may not secure control of a retail outlet for motor fuel that is within 2 miles of an existing outlet of that refiner unless the Attorney General concludes that this addition will increase competition.
2. A contract for home heating oil may not be for more than 1 year.
3. A retailer, wholesaler or refiner may not misrepresent the efficiency of an oil furnace.
4. A refiner may not fix or maintain the price of fuel oil sold by a franchise.