

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

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

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

SPONSOR(S)
BALDACCI

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill requires that applicants for a pastoral counselor license whose degree is not from an institution approved by the board must be licensed if they meet one or more of several other specific criteria, with the criteria selected to be determined by the board. The bill also clarifies the wording of the qualifications necessary for the grandfathering of pastoral counselors. Finally, it requires nonresidents to show proof of practice in Maine in order to be eligible for a license.

SPONSOR(S)
JACQUES
BALDACCI

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-143
H-239 HOGLUND

SUMMARY

The bill establishes a municipal licensing procedure for automobile recycling businesses under standards established by state law. Currently, businesses that recycle automobiles are licensed as automobile graveyards and are subject to both state and municipal regulation. This bill establishes requirements in state law for a recyclers license, including the requirement that the premises be screened and that potentially hazardous materials be handled properly. If these requirements are met, the business receives an automobile recyclers license and is exempt from municipal ordinances relating to automobile graveyards or junkyards. If the business fails to meet those requirements, the business may continue to operate if it qualifies for an automobile graveyard license, but is then subject to both state and municipal requirements.

Committee Amendment "A" (H-143) clarifies the application of the 80% standard in the definition of automobile recycling business. It requires that an automobile recycling business provide an annual sworn statement of compliance with the operating standards applicable to the automobile recycling business permits. The amendment changes "license" to "permit" wherever "license" appears to make the language internally consistent.

The amendment deals with the application of local ordinances by expanding the existing section relating to local ordinances to include automobile recycling businesses rather than by repeating the same language in the Maine Revised Statutes, Title 30-A, section 3755-A, dealing with automobile recycling. The amendment provides that a municipality may apply existing local ordinances in determining whether to grant a permit for an automobile recycling business in addition to the new standards. The amendment deletes a provision that exempts automobile recycling businesses from local ordinances pertaining to graveyards and junkyards.

The amendment also adds an item to the information provided with an application for a permit to include the location where vehicles are drained, dismantled and stored.

The amendment eliminates a conflict with the Maine Revised Statutes, Title 29, by removing the requirement that an automobile recycling business obtain a license from the Secretary of State prior to receiving a municipal permit.

The amendment provides that in addition to the license fee, the applicant must pay the cost of posting and publishing the notice required at the time of permit application.

House Amendment "A" (H-239) adds a mandate preamble with standard language concerning state mandates. It also adds a fiscal note to the bill.

LD 362 An Act to Provide for the Registration and Licensing of Motor Vehicle Body Shops ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BALDACCI	ONTP	

SUMMARY

This bill establishes provisions for the registration of motor vehicle body shops. In addition, it requires motor vehicle body shops to be licensed to perform collision damage repairs. The Chief of the State Police is in charge of administering these provisions.

LD 364 An Act to Create a Franchise Law for Power Equipment, Machinery and Appliances PUBLIC 195

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FOSTER	OTP-AM	S-155

SUMMARY

This bill incorporates snowmobiles in the definition of motor vehicle under the motor vehicle franchise law.

Committee Amendment "A" (S-155) creates a franchise law for any electric or gasoline-powered equipment, machinery or appliance except motor vehicles.

The amendment does the following:

1. It prohibits a manufacturer from requiring that a franchisee enter into agreements or order unwanted goods and accessories;
2. It requires a manufacturer to provide prior notice and to act in good faith and with good cause before it cancels, terminates or fails to renew a franchise;
3. It requires a manufacturer to honor warranty obligations in a timely fashion; and
4. It establishes a 2-year statute of limitations for any provisions of the new franchise law.

LD 434 An Act to Amend the Real Estate Brokerage Laws ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BALDACCI	ONTP	

SUMMARY

This bill requires real estate agencies to provide to buyers and sellers a written disclosure on agency relationships.