

# 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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 &amp; 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

**LD 452 An Act to Amend the Maine Returnable Bottle Bill**

ONTP

**SPONSOR(S)**  
TUFTS

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill requires that persons responsible for the pick up of empty beverage containers pay the dealers and local redemption centers, at the time of pickup, all of the refund, deposit and handling charges related to the beverage containers being picked up. In addition, this bill ties the minimum pickup number at licensed redemption centers to the quantities that are delivered to dealers served by the redemption centers.

**LD 508 An Act to Provide Additional Exemptions to the Need for a Cosmetology License**

PUBLIC 179

**SPONSOR(S)**  
CLOUTIER  
FARNSWORTH

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-243

**SUMMARY**

Currently, the law allows persons authorized to practice medicine and surgery to perform cosmetology functions without being licensed. This bill extends this exemption to persons working under the supervision of a doctor of medicine or surgery.

The bill also exempts from the need for a cosmetology license persons who apply the special make-up required for appearance in the theater or as a model.

Committee Amendment "A" (H-243) adds a fiscal note to the bill.

**LD 512 An Act to Centralize Further the Permitting Process for Retail Businesses and to Allow Some Municipalities to Act as Central Permitting Agents**

PUBLIC 430

**SPONSOR(S)**  
MICHAEL  
TITCOMB  
HOGLUND

**COMMITTEE REPORT**  
OTP-AM MAJ  
ONTP MIN

**AMENDMENTS ADOPTED**  
H-367  
H-408 HOGLUND  
H-676 HOGLUND

**SUMMARY**

In December, 1991, a report was issued by the Commission to Study State Permitting and Reporting Requirements. Among other recommendations, it recommended that the Office of Business Development of the Department of Economic and Community Development maintain an inventory of all required licenses and provide information and assistance relative to them. The study also recommended that the Department of Economic and Community Development issue a report on the idea of one-stop licensing to the Committee on Housing and Economic Development by January 30, 1993.

This bill creates a central licensing office within the Department of Professional and Financial Regulation for retail businesses. It also allows municipalities to act as a central office for retailers with less than 10,000 square feet of floor space. Finally, it allows retailers to retain 1/2 of 1% of the sales tax collected on the first \$1,000,000 of sales in order to offset the cost of the licensing process.

Committee Amendment "A" (H-367) (adopted) makes the following changes.

1. The bill requires the Department of Professional and Financial Regulation to establish a one-stop licensing process for retail businesses and to ensure that licenses and inspections are performed promptly by the responsible agencies. The amendment places this responsibility with the existing Business Assistance Referral and Facilitation Program of the Office of Business Development within the Department of Economic and Community Development. The amendment requires the permit-issuing agencies to fund these activities within that department from funds previously used to perform these services within the issuing agency. The amendment prohibits the issuing agency from replacing these funds with money from the General Fund.
2. The bill allows any municipality to act as a central permitting agent for retail businesses of less than 10,000 square feet, with the municipality and the issuing agency to share the fees equally. The amendment allows permitting of any size retail business but restricts inspections to those under 10,000 square feet. The amendment requires the applicant to pay an additional \$4 fee for each permit obtained through the municipal centralized permitting program. For those permits requiring an inspection, the permitting fees are shared evenly between the municipality and the issuing agency. The Department of Economic and Community Development is required to develop a training program for municipal officers and shall charge a \$25 fee for each person for the permitting instruction and \$100 for each person for the inspection instruction. Participation in the municipal centralized permitting program is not mandatory.
3. The amendment eliminates provisions that would reduce permit and license fees by 10% for all retail businesses with under 10,000 square feet of floor space and that would allow retailers to retain 1/2 of 1% of the sales tax on the first \$1,000,000 of sales.
4. The amendment allows the Department of Economic and Community Development to expand the one-stop permitting program and the municipal centralized permitting program at its discretion. The amendment requires that the department evaluate the program and submit a report concerning its progress to the Joint Standing Committee on Business Legislation. The amendment requires the Joint Standing Committee on Audit and Program Review, at the time of conducting its review of an agency, to recommend whether any of the agency's permits should be included in the centralized permitting program. The amendment also requires a legislative committee recommending any new permit to include in its legislation an indication of whether the new permit should be included in the municipal centralized permitting program.

House Amendment "A" (H-408) (adopted) to Committee Amendment "A" excludes permits issued by the Department of Environmental Protection, the Department of Marine Resources and the Maine Land Use Regulation Commission. It adjusts agency funding participation accordingly.

House Amendment "B" (H-554) to Committee Amendment "A", which incorporates the substance of House Amendment "A" to Committee Amendment "A", strikes those portions of the committee amendment that allow the establishment of a municipal centralized permitting program and requires the Department of Economic and Community Development to study the advisability of requiring the establishment of such a program.

House Amendment "C" (H-676) (adopted) to Committee Amendment "A" combines the changes proposed by Senate Amendment "B" and Senate Amendment "C".

Senate Amendment "A" (S-328) to Committee Amendment "A", which incorporates the substance of House Amendment "A" to Committee Amendment "A", strikes those portions of the committee amendment that allow the establishment of a municipal centralized permitting program and requires the Department of Economic and Community Development to study the advisability of requiring the establishment of such a program. The amendment is the same as House Amendment "B".

Senate Amendment "B" (S-333) to Committee Amendment "A" requires the Department of Economic and Community Development to determine by rulemaking the qualifications for a municipality to be appointed as a centralized agency to provide all participating permits and the qualifications for a municipality to be appointed as an agency to conduct one or more of the inspections associated with these permits.

Senate Amendment "C" (S-337) to Committee Amendment "A" makes the following 3 changes in the report that the Department of Economic and Community Development is required to file as to whether the program is meeting its goals and whether it should be expanded.

1. It changes the first report date from January 1, 1996 to January 1, 1994.
2. It changes the receiving committee from the Business Legislation Committee to the Housing and Economic Development Committee.
3. It requires the first report to contain an assessment of the willingness of municipalities to become centralized permitting agencies.

**LD 603      An Act to Allow All Retailers to Obtain Cigarettes at the Same Price      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MICHAEL	ONTP	

**SUMMARY**

This bill requires all persons who sell cigarettes to retailers to sell them at the same price to all retailers in the same competitive marketplace. Those persons are required to report their prices to the Bureau of Alcoholic Beverages and Lottery Operations. Violation of either of these provisions is a Class E crime. An aggrieved retailer may bring an action for 3 times the damages sustained.

**LD 607      An Act to Clarify the Laws Related to Debt Collectors and Repossession Companies      PUBLIC 126**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
KUTASI	OTP-AM	H-167

**SUMMARY**

This bill amends the Maine Fair Debt Collection Practices Act to include attorneys who engage in collection activities as a principal activity. The bill exempts from the Act common carriers who are retrieving voluntarily surrendered collateral. The bill also clarifies that a person who was engaged in the enforcement of security interests more than 5 times in the previous or current year becomes subject to the debt collector laws.

The bill further states that a debt collector may not enter a dwelling to take possession of collateral and shall notify a consumer if any unsecured property is taken with any collateral.

Committee Amendment "A" (H-167) broadens the category of persons excluded from the definition of "debt collector" by excluding any person, rather than any common carrier, who retrieves voluntarily surrendered collateral.