

# 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

**SPONSOR(S)**  
RYDELL**COMMITTEE REPORT**  
OTP-AM**AMENDMENTS ADOPTED**  
H-286**SUMMARY**

This bill allows marinas, boatyards and other facilities used to store boats, motors and trailers to sell those items if the owners are in default for payment of fees for more than 90 days. The bill includes notification requirements and procedures of sale similar to those in existing law governing property stored at self-service storage facilities and provides for the property rights of owners of items presently in storage by starting the 90-day default period for those items 120 days after the effective date of this legislation.

Committee Amendment "A" (H-286) makes the following changes to the bill.

1. It adds a definition of "lienholder of record," which is a term used to describe other persons who claim an interest in the property subject to the lien created by the Maine Revised Statutes, Title 10, chapter 212-A.
2. It provides that the bill does not apply to documented vessels subject to preferred maritime liens, including preferred ships' mortgages. Federal law preempts state laws that create liens on vessels subject to federal maritime liens.
3. It adds the requirement that any sale of property be commercially reasonable.
4. It provides clear instructions on the payment of sale proceeds and clarifies that the property owner is liable for any deficiency owing to the facility owner and all other lienholders of record.
5. It requires notice of the sale to all lienholders of record.
6. It expands the notice provisions of Title 10, section 1385, subsection 7 to permit mailing by either certified or registered mail, to indicate the proper source of addresses for lienholders of record and to provide that notices be deemed delivered on the date the recipient of a notice signs the return receipt or on the date the post office last attempts to deliver an undeliverable notice.
7. It provides that on payment of the lien by a lienholder of record, the facility owner holds the property for the lienholder and shall either enter into a new storage agreement with the lienholder or the lienholder shall remove the property.

**LD 621 An Act to Amend Maine's Unclaimed Property Act**

INDEF PP

**SPONSOR(S)**  
BALDACCI**COMMITTEE REPORT**  
OTP-AM**AMENDMENTS ADOPTED**  
H-405 HOGLUND  
S-132**SUMMARY**

Under the provisions of the Maine Revised Statutes, Title 33, unclaimed property reverts to the State. Under section 1871 the Treasurer of State requires that businesses produce records related to unclaimed property back to 1969 as part of the examination conducted by the Treasurer to determine liability. If those records are unavailable, the Treasurer may use estimates to determine the unclaimed property liability due to the State.

This bill sets a limit of 3 years on how far back the Treasurer of State may require a business to produce records, repeals the use of estimates and reduces the amount of time within which an action must be taken against a person subject to the law. The bill repeals a requirement that property holders maintain records for 10 years after they have been submitted to the State and provides an opportunity for early compliance.

Committee Amendment "A" (S-132) sets a limit on how far back an organization may be required to produce records of 15 years for the next 2 years and then 12 years.

House Amendment "A" (H-405) to Committee Amendment "A" makes it clear that it is the State's fiscal year that is being referenced.

**LD 633 An Act to Amend the Mechanic's Lien Laws**

**PUBLIC 137**

**SPONSOR(S)**  
CONLEY

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-80

**SUMMARY**

This bill includes real estate licensees under the laws governing mechanic liens.

Committee Amendment "A" (S-80) adds an additional requirement concerning notice of a real estate licensee's lien to a purchaser of property before title passes to the purchaser. For a mechanic's lien to be effective against a purchaser, current law requires the lien claimant to file notice of the lien in the registry of deeds prior to title to the property passing to the purchaser. This amendment adds another notice requirement for a real estate licensee claiming a lien, which is that a claimant must send or hand notice to a purchaser of the claimant's lien before the purchaser takes title to the property.

**LD 648 An Act to Require That the Inspection and Investigation Responsibilities of the Electricians' Examining Board Receive Funding Priority**

**PUBLIC 220**

**SPONSOR(S)**  
COFFMAN

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

**AMENDMENTS ADOPTED**  
H-176  
S-140 BUSTIN

**SUMMARY**

Currently, the Commissioner of Professional and Financial Regulation has authority over the budget of the Electricians' Examining Board. This bill requires that the commissioner give funding priority to the inspection and investigation responsibilities of the board.

Committee Amendment "A" (H-176) removes authority over the budget from the commissioner and places it with the board.

Senate Amendment "A" (S-140) to Committee Amendment "A" strikes the committee amendment and instead requires that there be no fewer than 6 electrical inspectors to carry out the laws regulating electricians. The amendment also requires the Electricians' Examining Board to raise funds necessary to support the costs of its employees and their administrative support.