

# 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 1273 An Act to Amend the Maine Pharmacy Act**

PUBLIC 231

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PFEIFFER	OTP MAJ ONTP MIN	

**SUMMARY**

This bill clarifies that health care facility pharmacies may dispense returned drugs if they are in a sealed container or, if in the case of a hospital, the pharmacist determines that they have not been impaired.

**LD 1312 An Act to Regulate Nonsewered Toilet Systems**

CARRIED OVER

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LIBBY J L		

**SUMMARY**

This bill establishes construction standards, required numbers and servicing requirements for portable toilets on work sites and at special events.

**LD 1313 An Act to Amend the Laws Concerning Massage Therapists**

PUBLIC 245

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
KILKELLY	OTP-AM	H-333

**SUMMARY**

Two years ago a law was passed that required that persons be registered with the State in order to call themselves massage therapists. This bill attempts to require that persons be registered in order to call themselves registered massage practitioners and to be certified in order to call themselves certified massage therapists. The bill requires that to be certified a person must pass an examination or have graduated from a school accredited by the American Massage Therapy Association. The effect of the original bill is summarized in the following table:

<u>Title</u>	<u>Who Can Use</u>	<u>What Can Do</u>	<u>Qualifications</u>
Anything but Massage Therapist/ Practitioner	Anybody	Massage Therapy	None
Massage Therapist	Anybody	Massage Therapy	None
Massage Practitioner	Anybody	Massage Therapy	None
Registered Massage Practitioner	Anybody registered	Massage Therapy	None
Certified Massage Therapist	Anybody certified	Massage Therapy	Education & Exam

Committee Amendment "A" (H-333) requires that persons be registered in order to call themselves massage practitioners and meet certain qualifications in order to be certified and to call themselves massage therapists.

The amendment also requires that schools be accredited by the Commission on Massage Training Accreditation/Approval, but until January 1, 1995 continues to accept those schools accredited by the Massage Therapy Association and accepts membership in that association as a 3rd means, after the examination and schooling, of fulfilling the knowledge requirement for certification.

**LD 1315 An Act to Establish a Registration System for General Contractors**

ONTP

**SPONSOR(S)**

VIGUE

**COMMITTEE REPORT**

ONTP MAJ  
OTP-AM MIN

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill requires that persons who construct, remodel or repair commercial or residential buildings as contractors or subcontractors be registered with the State. Registration requires that the applicant provide information regarding related education and experience and a credit report, financial statement and 5 references. If the firm or its principals do not have 4 years' experience or can not provide the required references, the board may require that the firm complete 80% of any project over \$5,000 before beginning the next project. Bonding in an amount of \$5,000, or as determined by the board, is required. Several alternatives to bonding are offered.

Initial registration is for one year. Subsequent reregistration is for 2 years. Registration fees are to be set by the board but are not to exceed \$125 per year. The board may refuse reregistration or suspend or revoke registration based on a number of grounds, including incompetence, violation of a board-developed code of ethics, negligence, misconduct, failure to exercise diligence and violation of building codes and ordinances.

This bill establishes the Board of Building Contractors to oversee contractor regulation. The board is to have its first meeting by November 10, 1993 and registration is required by October 1, 1994. The board is to make available educational materials for contractors and for consumers, including a bill of rights, procedures for dealing with contractors and a listing of registered contractors, including appropriate information from their registration forms.

Committee Amendment "A" (H-539) adds a fiscal note to the bill.

**LD 1358 An Act to Require Employee Leasing Companies to Post Security Bonds or Deposit Securities**

PUBLIC 264

**SPONSOR(S)**

WHITCOMB

**COMMITTEE REPORT**

OTP

**AMENDMENTS ADOPTED**

H-325 HOGLUND

**SUMMARY**

Current law requires that if an employee leasing company wishes to release its client of liability, it may post a \$100,000 surety bond. If the company has a good record for 3 years, this bond must be reduced to \$35,000.