

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

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.

This bill clarifies current law by stating that if the company wishes to release client liability, it must, not may, post a \$100,000 bond. It further states that in the event of a good record the bond may, not must, be reduced to \$35,000.

House Amendment "A" (H-325) changes the latter provision by reverting to the wording in the current law that states that the bond must, not may, be reduced to \$35,000.

LD 1379 An Act to Grant Conditional Licensure to Social Work CARRIED OVER
Graduates from Schools That Are Awaiting Accreditation

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
DORE

SUMMARY

This bill amends the requirements for a licensed master social worker's license so as to allow a person who received a masters or doctoral degree from a school that is not accredited but is applying to be accredited to receive a conditional license until the school has been accredited. If the school is not accredited, the license is revoked.

LD 1380 An Act Regarding Registration of Nursing Assistants PUBLIC 247

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
PENDLETON OTP

SUMMARY

The Maine Registry of Certified Nursing Assistants was established by Public Law 1991, chapter 421 to comply with the requirements of the federal Omnibus Budget Reconciliation Act of 1987.

Current law limits convictions that must be identified in the Registry to those nursing assistants who have abused, neglected or misappropriated the property of persons in a health care setting. This bill ensures that certified nursing assistants with a previous history of abuse, neglect or misappropriation of the property of any individual are properly identified on the Registry .

LD 1422 An Act to Amend Certain Corporate Laws PUBLIC 316

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CONLEY OTP S-200 CIANCHETTE

SUMMARY

This bill corrects erroneous or outdated references, titles and misspellings. It requires the cross-checking of corporate and limited partnership names and mark text for availability prior to filing and clarifies provisions allowing a corporation, limited partnership or owner of a mark to grant permission to another entity for the use of a similar name. It also clarifies that certain cooperatives are formed for a "nonprofit" purpose, but are governed as business corporations.

This bill provides for the termination of foreign corporation and limited partnership registrations and for the cancellation of assumed names and specifies fees. It further specifies fees for a certificate of correction and an application for excuse, and provides for a limited partnership certificate of correction. It provides for certificates of diligent search and specially worded certificates, specifies fees and provides for a uniform fee for copies of documents.