

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

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 Graduates from Schools That Are Awaiting Accreditation CARRIED OVER

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.

This bill clarifies that the registered office of a corporation who acts as a registered agent for another corporation or limited partnership will also serve as the registered office for that entity. It provides for uniform effective dates and notification procedures in the event a registered agent resigns or the entity fails to appoint a successor.

This bill requires that the formation of a corporation by a municipality be by a majority of the municipal officers. It lengthens the amount of time certain nonprofit corporations have after certification to file with the registry of deeds. It clarifies that an amendment to the articles is required if a corporation managed by the shareholders ceases to be closely held and it clarifies the application of the stock fees. It further clarifies when a nonprofit corporation must begin filing reports after resumption of activities.

This bill provides for the protection of a limited partnership name up to 3 years after suspension. It requires a foreign limited partnership to provide the address of its registered or principal office in the jurisdiction of its organization when qualifying to do business in this State. It provides for public access to the limited partnership data base and for publications of the limited partnership law. It provides one fee for the change of agent of a limited partnership, clarifies who must sign limited partnership documents and specifies a fee for service of process on the Secretary of State under the law pertaining to limited partnerships.

Senate Amendment "A" (S-200) makes a technical change. It corrects a conflict created by Public Law 1991, chapter 780, Part U, section 16 and chapter 837, Part A, section 37 and Revisor's Report 1991, chapter 2, section 48 with a new version incorporating changes made by both public laws.

**LD 1424 An Act to Ensure Prompt and Equitable Payment for
Construction Services**

PUBLIC 461

SPONSOR(S)
CIANCHETTE
CAMPBELL

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-253

SUMMARY

This bill ensures that payment obligations are met in a timely manner by all parties to a construction contract. The bill requires owners to pay contractors strictly in accordance with the terms of the construction contract and sets forth payment guidelines that apply when the contract contains no provision governing the terms of payment. The bill also requires the same prompt payment by a contractor to its subcontractors and by each subcontractor to its subcontractors or suppliers.

The bill allows for withholding payment by any party to the construction contract in the event of good faith claims involving unsatisfactory job progress, defective construction, disputed work or 3rd-party claims, but discourages frivolous withholding practices. The Department of Transportation is exempted from the requirements of this bill.

Committee Amendment "A" (S-253) adds a fiscal note to the bill.

Senate Amendment "A" (S-365) adds a mandate preamble and a fiscal note to the bill.