

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 1634 An Act to Clarify Plumbing Permit FeesPUBLIC 611
EMERGENCY**SPONSOR(S)**
KERR**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-876**SUMMARY**

Current law, which was adopted in the First Regular Session of the 116th Legislature, sets a \$4 plumbing permit fee per fixture and allows no minimum fee. It also exempts from the need for a permit minor plumbing work done by the owner inside the residence and domestic heating appliances installed by a licensed oil burner technician.

The original bill eliminates all the provisions of the current law previously described and requires, among other things, the Department of Human Services to set fees by rule.

COMMITTEE AMENDMENT "A" (H-876) allows a minimum plumbing permit fee of up to \$12, to include both fixture fees and fees for other types of plumbing work, and a fee of up to \$60 for nonengineered waste water systems. It does not deal with engineered waste water systems for which the fee set by rule is \$225. It eliminates the provision of the bill that requires a permit for a person working on that person's home and for the installation of domestic heating appliances.

LD 1655 An Act to Amend the Petroleum Market Share Act

PUBLIC 613

SPONSOR(S)
BALDACCI**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
S-455**SUMMARY**

The original bill eliminates the sunset provision on the wholesaler reporting and gallonage fees of the Petroleum Market Share Act and requires only annual reports from wholesalers.

COMMITTEE AMENDMENT "A" (S-455) reduces the gallonage fee effective September 1, 1994 from 75.15¢ to 40¢ per 10,000 gallons. It changes the sunset currently in the law from October 1, 1994 to September 1, 1996.

LD 1714 An Act to Clarify Agency Relationships in Real Estate Transactions

PUBLIC 679

SPONSOR(S)
CARPENTER**COMMITTEE REPORT**
OTP-AM A
ONTP B
OTP-AM C**AMENDMENTS ADOPTED**
H-1036 HOGLUND
H-1087 HOGLUND
S-551**SUMMARY**

This bill defines the relationship real estate licensees have with parties to real estate transactions and establishes the duties and obligations of licensees within the overall framework of a brokerage agreement. It codifies the practice of dual agency and creates the concept of appointed agent.

COMMITTEE AMENDMENT "A" (S-551) defines the relationship real estate licensees have to parties to real estate transactions and establishes the duties and obligations of licensees within the overall framework of the law of agency. In doing so, the intention is to place into codified law much of the common law dealing with these issues. An exception is the retention of vicarious liability. The amendment codifies the practice of dual agency, authorizes this practice only when both parties have consented in writing and limits the duties that the dual agency may perform. In addition, the amendment develops the concept of an appointed agent. An appointed agent is an affiliated licensee who is designated by the real estate