

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 Fees

PUBLIC 611
EMERGENCY

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

brokerage agency employing that licensee to act as agent for a buyer of property when the real estate brokerage agency is also acting as the seller's agent. In the event of a disagreement, current law would require that the manager of the agency act as a dual agent in its resolution.

COMMITTEE AMENDMENT "B" (S-552) expands the disclosure requirement of the original bill and substitutes for the remainder of it a legislative study.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-1036) makes clear that the Maine Revised Statutes, Title 32, section 13276 does not preclude the use of common law, when it is not inconsistent with the subchapter enacted in Committee Amendment "A," in defining and interpreting the duties listed in Title 32, section 13272.

HOUSE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (H-1039) makes a violation of the subchapter subject to the Maine Unfair Trade Practices Act.

HOUSE AMENDMENT "C" TO COMMITTEE AMENDMENT "A" (H-1087) adds a provision giving specific direction to the Real Estate Commission about rules the commission must adopt to implement the new subchapter regulating real estate agency and agent relationships. The new provision requires the commission to adopt all necessary rules, including disclosure rules about aspects of the services a real estate brokerage agency and its agents must disclose to a client and rules concerning information handling that specify procedures a real estate brokerage agency and its agents must follow to prevent the mishandling of information and undisclosed dual agency in client representation.

LD 1750 An Act to Amend the Labeling Requirement of Containers for the Purpose of Recycling ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KILKELLY ADAMS	ONTP	

SUMMARY

This bill requires a person who manufactures beverage containers that are over the maximum size requirement for refundable beverage containers to indicate on the beverage container that there is no deposit on the beverage container but that the beverage container is recyclable.

LD 1786 An Act to Prevent Overcharging on Merchandise ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MICHAEL COFFMAN	ONTP	

SUMMARY

The purpose of this bill is to require that each individual consumer good sold must carry a notation of the price of that individual item. This enables the consumer to tell the price of the item even though the store is using a computer-readable pricing code.

LD 1810 An Act to Strengthen the Maine Bottle Deposit Laws PUBLIC 703

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOGLUND	OTP-AM	H-839 S-605 PEARSON