

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

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

SUMMARY

The original bill requires manufacturers of beverage products to register with the State and identify who will initiate the deposit and collect the empty containers. The bill also increases penalties to \$100 for each container and \$25,000 for each tender of containers for those who knowingly return empty containers not originally sold in the State.

COMMITTEE AMENDMENT "A" (H-839) removes the registration provision of the bill and substitutes a complaint procedure through the Department of Agriculture, Food and Rural Resources. It also increases to \$1,000 the penalty for persons who fail to fulfill their statutory obligation to pick up beverage containers.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-605) removes the complaint procedure and the increase in the pick-up penalty from the committee amendment. It also removes the appropriation section and replaces the fiscal note.

LD 1838 Resolve, to Require a Study of Solicitation Sales Fraud

INDEF PP

SPONSOR(S)
BRANNIGAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED

SUMMARY

The original bill required that a seller who uses the telephone to initiate consumer contact must provide certain information at the request of the Department of the Attorney General, obtain a \$50,000 bond and incorporate certain provisions in any information provided to a consumer.

COMMITTEE AMENDMENT "A" (S-453) deletes the bill and requires a commission to study the subject of consumer solicitation sales fraud and report by November 1, 1994. This amendment also adds an allocation section and a fiscal note.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-932) amends the committee amendment by requiring that the committee member from the Office of Attorney General be appointed by the Attorney General.

**LD 1902 An Act Regarding Registration for the Provision of
Substance Abuse Counseling Services**

PUBLIC 635

SPONSOR(S)
BUSTIN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-479

SUMMARY

Under current law, a person may not profess to be a substance abuse counselor and practice substance abuse counseling unless licensed as a substance abuse counselor, except that other licensed counseling professionals may provide substance abuse counseling if they do not profess to be providing the primary service of substance abuse counseling.

The original bill added licensed professionals in the fields of medicine, nursing and social work to the list of those who could practice substance abuse counseling, restated the term "counseling professional" to read "licensed person in the field of professional counseling" and added the provision that a person in any of these excepted professions must be qualified by virtue of the requirements of the profession.

COMMITTEE AMENDMENT "A" (S-479) adds psychology to the list of excepted professions, allows the practice of substance abuse counseling by the excepted professionals as long as substance abuse counseling is not the sole practice of the excepted professionals and prohibits the requiring of additional certification in order for these excepted professionals to practice substance abuse counseling.