

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 1909 An Act to Allow for Reciprocal Licensure for Electricians in the State

PUBLIC 636
EMERGENCY

SPONSOR(S)
BRUNO

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-847

SUMMARY

Currently, the Maine Revised Statutes, Title 32, section 1153 allows boards to license electricians who are licensed by states with requirements equivalent to this State's.

The original bill requires the Electricians' Examining Board to license these electricians as long as they have at least 5 years' experience.

COMMITTEE AMENDMENT "A" (H-847) requires that, for licensure in Maine, an electrician with a license from another state must have at least 6 years' experience, which, with full-time employment, works out to the 12,000 hours of experience required by Maine for a master license. It allows the board, when comparing Maine requirements with another state's, to waive the 576 hours of study that the State requires for a journeyman or master license. It allows the board to recognize a license from another state only if that state recognizes Maine licenses. Finally, the amendment removes a reference to a repealed section of law.

LD 1916 An Act to Create a Law Governing Prepared Food Franchise Practices

VETO SUSTAINED

SPONSOR(S)
HOGLUND

COMMITTEE REPORT
OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED
H-1005 HOGLUND
H-912

SUMMARY

It is the purpose of the original bill to promote greater fairness and equity in franchise relationships, to establish minimum standards of conduct in the practices of those franchises and to strengthen private remedies against fraudulent or unlawful actions.

COMMITTEE AMENDMENT "A" (S-912) limits this purpose to franchises whose primary purpose is the preparation and sale of food. The amendment accomplishes the following:

1. It provides that a franchise agreement can not restrict access of either party to courts outside Maine.
2. It prohibits franchisors from restricting franchisees from developing associations with other franchisees.
3. It prohibits the termination of a franchise agreement except for good cause and requires that the termination be in good faith.
4. It requires that a franchisor must renew an agreement unless there is good cause, which is defined as a failure of the franchisee to comply with the agreement.
5. It provides for a franchisee to have right of refusal if the franchisor plans to develop a similar business, no matter what the distribution system, within an unreasonable distance of the franchisee.
6. It states that a franchisor may not prohibit transfer of a franchise if the proposed new franchise satisfies the franchisor's reasonable current qualifications for a new franchisee.

7. It states that a franchisor may not prohibit transfer of a franchise to a family member in the event of death or incapacitation unless there is good cause for prohibiting that transfer.

All except items 1 and 3 preceding, in addition to applying to new contracts, also apply to future actions under existing contracts.

The franchise laws for farm machinery (29 MRSA chapter 5, subchapter VI) and for power equipment, machinery and appliances (including farm machinery) (10 MRSA chapter 211-A) both include termination provisions while the farm machinery law includes a transfer provision. In addition, both contain provisions concerning consumer warranties and the power equipment law has a coercion prohibition, similar to that in the original version of LD 1916.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-1005) removes from the committee amendment those provisions relating to retroactive application, encroachment and transfers of franchises. The amendment also defines the family members whom a franchisee may designate as a successor in the event of death or incapacitation.

HOUSE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (H-1019) sets up a panel to study the issue of franchising.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-570) is the same as House Amendment "B" except for a minor change in the section dealing with discrimination.

HOUSE AMENDMENT "C" TO COMMITTEE AMENDMENT "A" (H-1047) is the same as Senate Amendment "A".

SENATE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (S-596) limits the bill to only the provision against limiting court jurisdiction.

**LD 1942 An Act to Clarify and Make Technical Changes to Various
Professional Licensing Board Laws**

PUBLIC 659

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CIANCHETTE	OTP-AM	S-490 S-558 SUMMERS

SUMMARY

Part A of this bill accomplishes the following.

1. It amends the membership of the Nursing Home Administrators Licensing Board by changing the number of members from 8 to 7 by excluding the designation of a hospital administrator.
2. It replaces the language outlining the detailed complaint procedure for the Board of Chiropractic Examination and Registration with a brief general statement authorizing the board to investigate a complaint.
3. It clarifies examination deadlines and fees required to become a licensed electrician in the State.
4. It removes the obsolete designation of one seat on the Board of Hearing Aid Dealers and Fitters that was for a member of the discontinued Maine Committee on Aging; it also modifies the language of the Maine Revised Statutes, Title 32, section 1660-A to make it gender-neutral.
5. It makes it a criminal violation for any person, firm or corporation to make an oil or solid fuel burning installation without first obtaining a license.