

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS AND ECONOMIC DEVELOPMENT**

JUNE 1996

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Sen. Alton E. Cianchette

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

State each year. Chapter 61 allocates the state ceiling among the state issuers of tax-exempt bonds.

LD 1802 **An Act to Consolidate and Improve Delivery of International Trade Services in Maine** PUBLIC 648
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GWADOSKY BUTLAND	OTP-AM	H-789

The purpose of LD 1802 was to merge the functions of the Maine World Trade Association, the Maine Education and Training Export Partnership and the International Commerce Division of the Department of Economic and Community Development into one entity called the Maine International Trade Center, or the Center.

Committee Amendment "A" (H-789) proposed to make the bill emergency legislation except for the provisions that repeal the existing international trade agencies. It proposed to require that the International Trade Director be confirmed by the Legislature on initial appointment. It proposed to add a revenue-neutral appropriations section, which merely transfers existing funds to the new organization.

Enacted law summary

Public Law 1995, chapter 648 merges the functions of the Maine World Trade Association, the Maine Education and Training Export Partnership and the International Commerce Division of the Department of Economic and Community Development into one entity called the Maine International Trade Center, or the Center.

The Center's responsibility is to provide services to citizens and industry to assist international trade. The purpose of the Center, through its public and private board, is to refine, revise and implement the international strategic plan for the State.

The board of directors of the Center is to be a public and private partnership, with the majority of the board being representative of the private sector. Funding for the Center is to come from a combination of private and public funds. Subject to legislative confirmation, the Governor is to appoint a Maine International Trade Director who reports to the Commissioner of Economic and Community Development and is responsible for developing international trade. This individual, if confirmed by the board of the newly formed Maine International Trade Center, also becomes president and board member of that Center and must be reconfirmed by the board as president every 2 years.

LD 1813 **An Act to Make Changes in the Beverage Container Deposit Laws** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP MAJ	
	OTP MIN	

LD 1813, recommended by the Task Force to Review the Beverage Container Laws, which was established by the Business & Economic Development Committee in response to the many bills it

was receiving concerned the functions of the extended bottle bill, proposed to make the following changes in the law relating to the beverage container deposit laws.

1. It would have required registration with and payment of a fee to the Department of Agriculture, Food and Rural Resources of all manufacturers, distributors and 3rd-party pick-up agents who perform functions under the law.
2. It would have allowed the Administrative Court to suspend or revoke licenses for failure to comply with requirements of the law, such as initiation of deposits and pick-up obligations. The law provides a civil penalty for failure to register.
3. It would have required licensing of redemption centers, which are defined to include all persons who redeem beverage containers and receive a handling fee for doing so. It proposed that to qualify for a license, a redemption center must demonstrate that the location and hours are convenient for consumers, that it complies with local ordinances and that it can be operated in a manner that complies with the deposit laws and rules.
4. It proposed that a redemption center license could be revoked or suspended by the Administrative Court for violation of the law. Also, the bill would have required the department to establish a demerit point system, similar to that used in the driver license law, under which redemption centers will receive points for each violation found by department personnel
5. It proposed to rewrite provisions of the law relating to the determination of refund values and initiation of deposits to clarify those provisions.
6. It proposed to require that a redemption center that accepts more than \$50 worth of containers from any person on a single day must obtain a signed statement from that person identifying the person tendering the containers and signifying that, to the best of that person's knowledge, the containers were originally purchased in the State.
7. It proposed to require a redemption center to accept any container sold in the area in which the redemption center is located, provided there is a pick-up service available for the container.
8. It proposed to require distributors who initiate the deposit for exclusive distributorship items and for wine and spirits to pick up containers from dealers and redemption centers located in the area in which they distribute products. Manufacturers whose products are distributed through nonexclusive distributorships or their 3rd-party pick-up agents would be required to pick up containers statewide.
9. The bill proposed to add farm-produced cider to the list of beverages exempt from the bottle bill. This exemption is currently in department rules.
10. The bill proposed to require deposit initiators to pay dealers and redemption centers for picked-up containers within 10 business days of the pickup and provided that the invoice signed at the time of the pickup determines the amount due.
11. The bill proposed to allow the department to call for information from retailers when needed to aid the department in enforcement.
12. The bill proposed to impose reporting requirements on manufacturers, distributors and 3rd-party pick-up agents and redemption centers. The bill also proposed to provide that the information is confidential but may be used by law enforcement and may be released in aggregate form.

13. Violation of this law would have been prima facie evidence of a violation of the Unfair Trade Practices Act.

14. Enforcement of the bottle bill would have been expanded to require the Attorney General, the Commissioner of Agriculture, Food and Rural Resources and all other appropriate officials to enforce the laws. Employees of the department would be authorized to prosecute complaints for civil violations in District Court, if the employees are certified as proficient in court procedures.

15. The bill proposed to exempt licensed redemption centers and registered distributors, manufacturers and 3rd-party pick-up agents from the prohibition against possession of unmarked containers if the containers are empty.

16. Finally, the bill proposed to require the Department of Agriculture, Food and Rural Resources to evaluate the information available on the beverage container deposit laws and to determine whether additional information would be needed to evaluate the laws. The proposal also proposed to require the department to find ways to require additional information and to return to the Legislature with a proposal if significant cost would be involved in obtaining the information.

**LD 1814 An Act Concerning the Treatment of Ocular Diseases by
Optometrists**

PUBLIC 606

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-790

With special education, current law allows the use of ocular topical pharmaceutical agents for the treatment of eye conditions or diseases other than glaucoma, except for the use of controlled substances, injections and agents for the treatment of diseases that affect the entire system.

Public Law 1995, chapter 439, enacted by the First Regular Session of the 117th Legislature, established an optometry panel to study (1) the issue of extending the types of drugs that optometrists can use, and (2) the issue of the qualifications required for an optometrist to be able to treat glaucoma. The Business and Economic Development Committee was authorized to submit legislation based on the results of this study and LD 1814 is the result of that legislation.

This bill proposed to create a new license category known as the "advanced therapeutic license" and set forth the educational and consultative requirements of that license. Advanced therapeutic licensees would be authorized to treat glaucoma and prescribe oral medications to treat ocular diseases other than glaucoma as specifically set forth. Current therapeutic licensees would have to upgrade their licenses to advanced therapeutic licenses within 3 years.

The bill proposed to create a glaucoma consultation subcommittee comprised of 2 optometrists and 2 physicians to review the glaucoma-related consultation requirements. The bill also proposed to reduce the State Board of Optometry membership from 6 persons to 5 and to require optometrist members to hold advanced therapeutic licenses within 3 years.

Committee Amendment "A" (H-790) proposed to remove those portions of the bill that reduce the State Board of Optometry membership from 6 to 5 members and provide 3 years for board members to achieve advanced therapeutic licensure. This amendment proposed to clarify that therapeutic licensees may not use topical therapeutic agents to treat glaucoma and that the board may not issue new therapeutic licenses after October 1, 1996.