

# 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**

***MEMBERS:***

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***Sen. Jill M. Goldthwait***

***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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.

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.

***Enacted law summary***

Public Law 1995, chapter 606 creates a new license category of optometrists known as the "advanced therapeutic license" and sets forth the educational and consultative requirements of that license. Advanced therapeutic licensees may treat glaucoma and prescribe oral medications to treat ocular diseases other than glaucoma as specifically set forth. Current therapeutic licensees must upgrade their licenses to advanced therapeutic licenses within 3 years.

Chapter 606 creates a glaucoma consultation subcommittee comprised of 2 optometrists and 2 physicians to review the glaucoma-related consultation requirements

**LD 1831      An Act to Create the Small Enterprise Growth Program      PUBLIC 699**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS HARRIMAN ROWE	OTP-AM	H-844

LD 1831 proposed to create the Small Enterprise Growth Program, which would provide financing for small businesses that show a strong potential for providing additional quality employment for people of this State, but need assistance in accessing necessary capital.

The bill proposed to create an 11-member board consisting of persons with expertise in matters relating to the financing of growth-stage companies, plus the Commissioner of Economic and Community Development.

Funding would have been provided in the amount of \$5 million from general obligation bonding under Private & Special Law 1995, chapter 81. It would have been used to capitalize a revolving loan fund. Private investments could also have been accepted.

**Committee Amendment "A" (H-844)** proposed to do the following:

1. Make clear that the Commissioner of Economic and Community Development or the commissioner's designee is a voting member of the Small Enterprise Growth Board;
2. Make clear that the fund may accept investments;
3. Restrict those instances in which the board may hold an ownership interest in a private enterprise;
4. Make clear that retail sales, tourism and agricultural production are among those businesses that may qualify for a loan;
5. Add inability to obtain private financing as a criterion for qualifying for a loan; and
6. Take away from subcommittees the authority to approve loans;