

# 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***

***Rep. G. Steven Rowe, Chair***

***Rep. Thomas M. Davidson***

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***Staff:***

***John B. Knox, Legislative Analyst***

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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.

**Enacted law summary**

Public Law 1995, chapter 699 creates 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 have been unable to obtain private capital.

The bill creates an 11-member board consisting of persons with expertise in matters relating to the financing of growth-stage companies and the Commissioner of Economic and Community Development. The board will administer the Small Enterprise Growth Program. The board may provide loans up to \$150,000 to qualifying small businesses engaged in marine science, biotechnology, manufacturing, activities that result in a significant amount of capital being imported into the State, software development, provision or development of environmental services or technologies, provision or development of financial or insurance products or services, retail sales, tourism, agricultural production, production of value-added goods from natural resources, or other businesses that offer the potential of significant growth and public benefits. Businesses must match the loans under the program in cash on a dollar-for-dollar basis.

The board may provide flexible repayment terms for all disbursements from the fund. Repayment terms may include an interest in one or more products of the enterprise assisted, a percentage of sales or rights in ownership interest. The purpose of this form of repayment is to help ensure that the return from successful businesses will offset losses from those that are not successful. Funding is to be provided through a \$5,000,000 General Obligation Bond Fund which will capitalize a revolving loan fund under Private & Special Law 1995, chapter 81. Private investments may also be accepted.

**LD 1852**

**An Act to Establish the Board of Complementary Health Care Providers and to Regulate the Practice of Naturopathic Medicine**

PUBLIC 671

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-860
	ONTP MIN	S-554

LD 1852 proposed to establish a consolidated professional regulatory board called the Board of Complementary Health Care Providers to regulate acupuncturists and naturopathic doctors. The current laws regulating acupuncturists would be transferred to the newly established board. Only those licensed by the Board would have been able to use a term derived from “naturopathic” and the initials ND. (The term “naturopath” was not included in the list; initials, such as NMD, were also not included in the list.) The use of the term physician would have been prohibited. To qualify for licensure an applicant would have to be a graduate of an approved medical board college accredited by the Federal Government. The licensee would be prohibited from prescribing controlled drugs

**Committee Amendment "A" (H-860)** proposed to accomplish the following:

1. Make it clear that it is the practice of naturopathy, not just the title, that is being licensed;
2. Strengthen the regulatory board's control over the use of drugs by naturopaths;
3. Eliminate childbirth from the scope of practice of naturopaths; and

4. Make it clear that this bill does not prohibit a person from providing, selling or recommending items in the naturopath's scope of practice unless this use is specifically prohibited by other laws.

**Senate Amendment "B" To Committee Amendment "A" (S-554)** proposed to provide that a naturopathic doctor may only prescribe noncontrolled legend drugs from the following categories: homeopathic remedies, vitamins and minerals, hormones, local anesthesia and immunizations that are designated by rule by a subcommittee of the board consisting of the naturopathic members, the pharmacist member and the allopathic or osteopathic physician member, as consistent with a naturopathic doctor's education and training. A naturopathic doctor may not prescribe psychotropic medications.

**House Amendment "A" To Committee Amendment "A" (H-880)** proposed to accomplish the following:

1. Limit to nonprescription drugs the types of drugs that a naturopathic doctor may recommend.
2. Prohibit a naturopathic doctor from prescribing, dispensing or administering "any legend substances," rather than "any controlled substances" as proposed in the bill;
3. Add language that clarifies that a conditional licensee may not receive specialty certification; and
4. Remove the requirement that continuing education for renewing a license must include at least 7 hours of pharmacology.

(Not Adopted)

**Senate Amendment "A" To Committee Amendment "A" (S-548)** is the same as House Amendment "A". (Not Adopted)

**House Amendment "A" (H-878)** proposed to delete counseling, hypnotherapy and biofeedback from the permissible therapies that may be practiced by a naturopathic doctor. (Not Adopted)

**House Amendment "B" (H-893)** proposed to prohibit naturopathic doctors from prescribing, dispensing or administering any psychotropic medications. (Not Adopted)

**House Amendment "C" (H-910)** proposed to require that before a person may be eligible for a license to practice naturopathic medicine that person must have an undergraduate degree. Currently, one of the three accredited naturopathic medical schools does not require an undergraduate degree. (Not Adopted)

**Senate Amendment "A" (S-567)** proposed to allow the Board of Complementary Health Care Providers to approve graduates from any naturopathic schools, including those not accredited. It also proposed to require that before a person may be eligible for a license to practice naturopathic medicine that person must have an undergraduate degree. (Not Adopted)

### ***Enacted law summary***

Public Law 1995, chapter 671 establishes a consolidated professional regulatory board called the Board of Complementary Health Care Providers to regulate acupuncturists and naturopathic doctors. The current laws regulating acupuncturists are transferred to the newly established board. It requires a license to practice naturopathic medicine and to use many derivatives of the word naturopathic, but not naturopath, nor initials such as NMD. The use of the term physician is prohibited. A person may recommend and dispense remedies within the naturopathic scope of

practice unless they are prohibited by other sections of law but may only prescribe from a restricted list of non-controlled legend drugs.

To be eligible for a license an applicant must be a graduate of a board-approved naturopathic medical college that is accepted by an agency of the federal government. It is not a requirement of the law and one of the schools that these medical college graduates have undergraduate degrees.

**LD 1860      An Act to Amend the Petroleum Market Share Act**

PUBLIC 627

Sponsor(s)  
ROWE

Committee Report  
OTP-AM

Amendments Adopted  
H-839

The following reports are currently required by law to be made to the Attorney General until September, 1996:

- A. Wholesaler reports on the total gallons of home heating oil and motor fuel oil sold by the wholesaler to each retail outlet or retailer;
- B. Wholesaler reports on the total gallons of home heating oil and motor fuel oil supplied by the wholesaler to each retail outlet controlled by the wholesaler during any portion of the reporting period;
- C. Wholesaler reports on the total gallons of home heating oil and motor fuel oil sold by the wholesaler from a bulk storage facility or depot directly to any end user for consumption in the State; and
- D. Refiner reports setting forth the total gallons of home heating oil and motor fuel supplied by the refiner to each retail outlet controlled by the refiner and the total gallons of home heating oil and motor fuel oil sold by the refiner from a bulk storage facility or depot directly to any end user for consumption in the State.

The purpose of these reports is to assist in enforcing the law against anti-competitive and unfair trade practices. The Attorney General is to report to the Legislature yearly concerning the concentration of retail outlets. An advisory committee is established to consult with the Attorney General on these matters.

LD 1860 proposed to extend reporting provisions of the Petroleum Market Share Act for a 4-year period. The yearly cost of this program was estimated at \$48,000, which sum was to be obtained from the petroleum industry.

**Committee Amendment "A" (H-839)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1995, chapter 627 extends the wholesaler and refiner reporting requirements of the Petroleum Market Share Act for a 4-year period.

**LD 1865      Resolve, to Extend the Reporting Deadline of the Export  
Financing Services Study Group**

RESOLVE 70  
EMERGENCY

Sponsor(s)  
LONGLEY

Committee Report  
OTP

Amendments Adopted