

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS AND ECONOMIC DEVELOPMENT

JULY 1997

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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 Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

LD 1525

An Act to License Massage Therapists under the Board of Complementary Health Care Providers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY WATSON		

LD 1525 is being carried over to the Second Regular Session of the 118th Legislature. The bill proposes to repeal the two-tier certification or registration structure for massage therapists and expand the authority of the Board of Complementary Health Care Providers to include regulation of massage therapists. Under the bill, to qualify for licensure, a person must have passed the National Certification Examination for Therapeutic Massage and Bodywork or have a diploma from a school of massage therapy that is accredited by the Commission on Massage Training Accreditation/Approval or its successor organization. Provisions are outlined for existing massage practitioners to obtain licensure.

This bill is subject to the requirements of Maine Revised Statutes, Title 5, section 12015, subsection 3 which require any joint standing committee of the Legislature that recommends to the Legislature the regulation of an occupational profession not previously regulated must include an evaluation of the need for regulation.

LD 1528

An Act to Create the Community Business Bonds for Maine Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY BERRY R	ONTP	

LD 1528 proposed to establish the Community Business Bonds Fund and the Community Business Bonds for Maine Program. This program would be administered by the Finance Authority of Maine and available to small businesses that meet eligibility criteria determined by the authority. Applications would be reviewed by an investment committee and the final funding decision will be at the discretion of the authority. Investment loans under the Community Business Bonds for Maine Program would be available in an amount no greater than \$25,000 to small businesses for any appropriate business purpose including working capital. The funding for the program would be available primarily from citizen investment in the Community Business Bonds Fund. Participating banks and credit unions would make available investment certificates in the amount of \$25 for citizen purchase that would mature in five years. Citizen purchase of investment certificates would be tax-exempt. The authority would be authorized to establish the rules necessary to carry out the purposes of this chapter.

LD 1562

An Act to Amend Professional Licensing Boards Laws

PUBLIC 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENKINS	OTP-AM	S-158

LD 1562 proposed to allow the Office of Licensing and Registration to study jurisdictional overlap between boards and commissions and other state agencies. It clarified the authority of bureaus, boards and commissions to refuse to renew a license based on a violation of orders or consent agreements with licensees. It also repealed a duplicative reporting provision in the manufactured housing laws and made the following changes in the Maine Revised Statutes, Title 32 with respect to various professional licensing boards.

1. It increased the fee cap for the Electricians' Examining Board's examination so that the fee reflects the actual cost of the national exam.
2. It amended the State Board of Funeral Service laws to remove a restriction on inactive licensees practicing in another state.
3. It added and amended definitions in the Arborist Examining Board laws and removed language that allowed for unlicensed employees to work without direct supervision.

The bill updated and corrected an error with respect to the State Board of Alcohol and Drug Counselors and their "registered" counselor category. It also defined the appropriate use of initials for respiratory care technicians, respiratory therapists and individuals who hold valid temporary licenses. The bill added "naturopath" to the list of terms used by naturopathic doctors.

The bill proposed to amend the Board of Barbering and Cosmetology laws to: eliminate references to the Commissioner of Education; add an exemption from licensure for persons practicing the funeral service profession on human remains in a licensed funeral establishment; repeal language that referenced the board holding examinations, as that function is now performed by a contractor; and extend the permissible length of a temporary permit to accommodate the new exam schedule.

The bill also changed terminology used in the State Board of Funeral Service laws from "dead human body" to "human remains."

Committee Amendment "A" (S-158) proposed to reduce the increased fee cap of \$100 for the Electricians' Examining Board's examination to \$80.

Enacted law summary

Public Law 1997, chapter 210 amends the Maine Revised Statutes, Title 10 to allow the Office of Licensing and Registration to study jurisdictional overlap between boards and commissions and other state agencies. It clarifies the authority of bureaus, boards and commissions to refuse to renew a license based on a violation of orders or consent agreements with licensees. It also repeals a duplicative reporting provision in the manufactured housing laws.

Public Law 1997, chapter 210 makes the following changes in the Maine Revised Statutes, Title 32 with respect to various professional licensing boards.

1. It increases the fee cap for the Electricians' Examining Board's examination to \$80 so that the fee reflects the actual cost of the national exam.
2. It amends the State Board of Funeral Service laws to remove a restriction on inactive licensees practicing in another state.

3. It adds and amends definitions in the Arborist Examining Board laws and removes language that allows for unlicensed employees to work without direct supervision.
4. It updates and corrects an error with respect to the State Board of Alcohol and Drug Counselors and their "registered" counselor category.
5. It also defines the appropriate use of initials for respiratory care technicians, respiratory therapists and individuals who hold valid temporary licenses.
6. It adds "naturopath" to the list of terms used by naturopathic doctors.
7. It amends the Board of Barbering and Cosmetology laws to: eliminate references to the Commissioner of Education; add an exemption from licensure for persons practicing the funeral service profession on human remains in a licensed funeral establishment; repeal language that references the board holding examinations, as that function is now performed by a contractor; and extends the permissible length of a temporary permit to accommodate the new exam schedule.
8. It changes terminology used in the State Board of Funeral Service laws from "dead human body" to "human remains."

LD 1580 An Act to Improve Allopathic and Osteopathic Physician Oversight CARRIED OVER

<u>Sponsor(s)</u> BUCK RAND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1580 is being carried over to the Second Regular Session of the 118th Legislature. The bill proposes to increase oversight of osteopathic and allopathic doctors licensed to practice in this State. The bill increases consumer representation from three to five on the Board of Osteopathic Licensure and from three to six on the Board of Licensure in Medicine. To strengthen physician oversight, the bill creates a position of ombudsman to serve as an advocate for consumers of medical care who have filed complaints against physicians. The ombudsman will assist consumers in making and pursuing their complaints, in educating them about the purpose of the board and in ensuring that consumers get fair treatment before the board.

The committee has asked the Commissioner of Professional and Financial Regulation to convene a group of interested parties to study this issue and bring back recommendations to the Second Regular Session of the 118th Legislature.