

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS AND ECONOMIC DEVELOPMENT

MAY 1998

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Sen. Bruce W. MacKinnon

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

An Act to Implement the Recommendations Relating to the Review of the Department of Professional and Financial Regulation's Office of the Commissioner, Office of Consumer Credit Regulation and Office of Licensing and Registration under the State Government Evaluation Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-952
	OTP-AM MIN	S-683 LAFOUNTAIN

LD 2198 proposed to implement the recommendations made by the Joint Standing Committee on Business and Economic Development as a result of the committee's review of the Department of Professional and Financial Regulation under the State Government Evaluation Act.

Part A implements the recommendations relating to the Commissioner of Professional and Financial Regulation and proposed to do the following:

1. It proposed to amend the State Government Evaluation Act to provide for joint review of the Department of Professional and Financial Regulation by the Joint Standing Committee on Banking and Insurance and the Joint Standing Committee on Business and Economic Development.
2. It proposed to provide for confirmation of the appointment of the Commissioner of Professional and Financial Regulation by five members from the joint standing committee of the Legislature having jurisdiction over banking and insurance matters and five members from the joint standing committee of the Legislature having jurisdiction over business and economic development matters.
3. It proposed to clarify the authority of the Commissioner of Professional and Financial Regulation to coordinate all administrative processes related to licensing functions of boards and agencies, including, but not limited to, frequency and form of applications and licenses.

Part B implements the recommendations relating to the Office of Consumer Credit Regulation and proposed to do the following:

1. It proposed to authorize the Office of Consumer Credit Regulation to employ more flexibility in how examination costs are allocated within and among the regulated parties.
2. It proposed to expand the authority of the Office of Consumer Credit Regulation to regulate automobile credit sale documents.
3. It proposed to simplify the method whereby dollar amounts are determined by creditors.
4. It proposed to amend the bond requirements so that bond terms run concurrent with licensing terms, simplifying the process for lenders and debt collectors, as well as for the Office of Consumer Credit Regulation licensing personnel.
5. It proposed to allow different types of financial statements to be provided to prove net worth requirements under the appropriate statutes.

Part C implements the recommendations relating to the Office of Licensing and Registration and proposed to do the following:

1. It proposed to eliminate unduly restrictive qualifications on "public member" board positions;
2. It proposed to eliminate the "mortgage lender" position from the Board of Real Estate Appraisers;
3. It proposed to eliminate the requirement that gubernatorial appointments to the Real Estate Commission be confirmed by the Senate;
4. It proposed to transfer the administration and interpretation of the state plumbing code from the Department of Human Services, Division of Health Engineering to the Plumbers' Examining Board;
5. It proposed to transfer permitting authority for aboveground flammable liquid storage facilities from the Office of the State Fire Marshal to the Propane and Natural Gas Board;
6. It proposed to amend the general provisions governing occupational and professional licensing to provide for a choice of civil or criminal prosecution for unlicensed practice;
7. It proposed to transfer the administrative responsibility for the Maine State Pilotage Commission from the Office of Licensing and Registration to the Department of Transportation;

Committee Amendment "A" (H-952), which was the majority report, proposed to establish modified consumer loan finance charges at levels consistent with other New England states. It also proposed to apply the Maine Consumer Credit Code protections to loans up to \$35,000 when made by supervised lenders other than supervised financial organizations. The amendment proposed to clarify that the boards listed under the Maine Revised Statutes, Title 10, section 8001-A are included in the complaint procedure of Title 32, section 60-G. The amendment proposed to clarify that the plumbing code applies to internal plumbers and not external or subsurface sewage disposal rules. The amendment proposed to clarify that the enforcement of the plumbing code is the joint responsibility of municipalities and the Plumbers' Examining Board. The amendment proposed to clarify the referenced inspections with respect to propane and natural gas.

Senate Amendment "A" (S-683) proposed to require the appointment of the Commissioner of Professional and Financial Regulation to be subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, instead of by the joint standing committee on business and economic development.

Enacted law summary

Public Law 1997, chapter 727 implements the recommendations made by the Joint Standing Committee on Business and Economic Development as a result of the committee's review of the Department of Professional and Financial Regulation under the State Government Evaluation Act and makes other changes in the law governing the department.

Part A makes changes relating to the Commissioner of Professional and Financial Regulation and does the following.

1. It amends the State Government Evaluation Act to provide for joint review of the Department of Professional and Financial Regulation by the Joint Standing Committee on Banking and Insurance and the Joint Standing Committee on Business and Economic Development.
2. It clarifies the authority of the Commissioner of Professional and Financial Regulation to coordinate all administrative processes related to licensing functions of boards and agencies, including, but not limited to, frequency and form of applications and licenses.
3. It requires the appointment of the Commissioner of Professional and Financial Regulation to be subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, instead of by the joint standing committee on business and economic development.

Part B makes changes relating to the Office of Consumer Credit Regulation and does the following:

1. It authorizes the Office of Consumer Credit Regulation to employ more flexibility in how examination costs are allocated within and among the regulated parties.
2. It expands the authority of the Office of Consumer Credit Regulation to regulate automobile credit sale documents.
3. It simplifies the method whereby dollar amounts are determined by creditors.
4. It amends the bond requirements so that bond terms run concurrent with licensing terms.
5. It allows different types of financial statements to be provided to prove net worth requirements under the appropriate statutes.
6. It establishes modified consumer loan finance charges at levels consistent with other New England states.
7. It applies the Maine Consumer Credit Code protections to loans up to \$35,000 when made by supervised lenders other than supervised financial organizations.

Part C makes changes relating to the Office of Licensing and Registration and does the following.

1. It eliminates certain restrictive qualifications on "public member" board positions.
2. It eliminates the "mortgage lender" position from the Board of Real Estate Appraisers.
3. It eliminates the requirement that gubernatorial appointments to the Real Estate Commission be confirmed by the Senate.
4. It transfers the administration and interpretation of the state plumbing code from the Department of Human Services, Division of Health Engineering to the Plumbers' Examining Board.

5. It transfers permitting authority for aboveground flammable liquid storage facilities from the Office of the State Fire Marshal to the Propane and Natural Gas Board.
6. It amends the general provisions governing occupational and professional licensing to provide for a choice of civil or criminal prosecution for unlicensed practice.
7. It transfers the administrative responsibility for the Maine State Pilotage Commission from the Office of Licensing and Registration to the Department of Transportation.
8. It clarifies that the boards listed under the Maine Revised Statutes, Title 10, section 8001-A are included in the complaint procedure of Title 32, section 60-G.
9. It clarifies that the plumbing code applies to internal plumbers and not external or subsurface sewage disposal rules.
10. It clarifies that the enforcement of the plumbing code is the joint responsibility of municipalities and the Plumbers' Examining Board.
11. It clarifies the referenced inspections with respect to propane and natural gas.

LD 2203 **An Act to Create the Maine Economic Opportunity Advisory Committee** **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 2203 proposed to create the Maine Economic Opportunity Advisory Committee to continue the work of the Task Force to Study Equal Economic Opportunity for All Regions of the State. The purpose of the committee was to advise the Legislature on ways to improve economic development opportunities for all regions of the State.

LD 2229 **An Act to Implement Recommendations of the Joint Standing Committee on Business and Economic Development Relating to the Review of the Maine Development Foundation under the State Government Evaluation Act** **PUBLIC 662**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2229 proposes to implement the recommendations of the Joint Standing Committee on Business and Economic Development relating to its review of the Maine Development Foundation under the State Government Evaluation Act.

This bill proposed that for the Board of Directors of the Maine Development Foundation determine annual support levels for private and public corporators. It also proposed to set the minimum number of directors at 15