

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE  
119TH LEGISLATURE**

**SECOND REGULAR SESSION**

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

**JULY 2000**

***MEMBERS:***

*Sen. Carol A. Kontos, Chair*

*Sen. Susan W. Longley*

*Sen. Bruce W. MacKinnon*

*Rep. Gary L. O'Neal, Chair*

*Rep. Rosaire J. Sirois*

*Rep. Verdi L. Tripp*

*Rep. Ronald E. Usher*

*Rep. Brian Bolduc*

*Rep. Jean Ginn Marvin*

*Rep. David E. Bowles*

*Rep. Harold A. Clough*

*Rep. Stavros J. Mendros*

*Rep. Kevin L. Shorey*

***Staff:***

*Susan Johannesman, Legislative Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207)287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
Telephone: (207) 287-1670  
Fax: (207) 287-1275

**ONE HUNDRED NINETEENTH LEGISLATURE**  
**SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees***  
***July 2000***

We are pleased to provide this summary of bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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](http://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  
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died  
INDEF PP..... Bill Indefinitely Postponed  
ONT P..... 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 August 11, 2000.

**David E. Boulter, Director**  
Offices Located in the State House, Rooms 101 & 107

- B. Empowering law enforcement agencies to establish procedures for the investigation and prosecution of crimes committed using the Internet;
- C. Amending the rules of evidence to include Internet-related activities; and
- D. Requiring law enforcement agencies to establish Internet sites to receive reports of suspected illegal activities over the Internet.

**LD 1931**

**An Act to Amend the Franchise Law**

**PUBLIC 766  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-554 S-787 MICHAUD

LD 1931 was carried over from the First Regular Session. It proposed to amend certain provisions of the law pertaining to automobile manufacturers, franchisees and other dealers to ensure fair treatment of all dealers.

**Committee Amendment "A" (S-554)** proposed to replace the original bill. The amendment proposed to amend certain provisions of the law pertaining to automobile manufacturers and dealers. It would have added an additional action that would have been considered an unfair method of competition and deceptive practice. It would have put certain limits on a franchisor's ability to exercise a right of first refusal. It would have added a corporate affiliate of a manufacturer, distributor or wholesaler to the list that cannot offer discounts without making the same offer to all dealers in the market area. Finally, it would have provided that a franchisor could not recover its cost for reimbursing a franchisee for parts and labor provided in satisfaction of a warranty.

**Senate Amendment "B" to Committee Amendment "A" (S-787)** proposed to amend Committee Amendment "A" in the following ways:

1. It proposed to add an emergency preamble and an emergency clause;
2. It proposed to remove the part of Committee Amendment "A" that proposed to prohibit a franchisor from recovering its cost for reimbursing a franchisee for parts and labor provided in satisfaction of a warranty;
3. It proposed to establish the Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor to study how to most effectively implement the retail rate reimbursement provisions of the Maine Revised Statutes, Title 10, section 1176 while protecting the interests of consumers of warranty and nonwarranty repair services, the interests of franchisees in receiving retail rate reimbursement and the interests of franchisors. Under the amendment, the commission would have comprised 2 members of the Senate, appointed by the President of the Senate; 2 members of the House, appointed by the Speaker of the House; 2 franchised automobile dealers who are members of the Maine Auto Dealers Association; and one franchisor who is a member of the Alliance of Automobile Manufacturers;

4. It proposed a commission reporting date of November 1, 2000;
5. It proposed to authorize reimbursement for public members of the commission not otherwise compensated; and
6. It proposed to provide that the section of the bill as amended that proposed to establish the study commission would take effect when approved.

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

Public Law 1999, chapter 766 amends certain provisions of the law pertaining to automobile manufacturers and dealers. It adds an additional action that is considered to be an unfair method of competition and deceptive practice. It puts certain limits on a franchisor's ability to exercise a right of first refusal. It adds a corporate affiliate of a manufacturer, distributor or wholesaler to the list that cannot offer discounts without making the same offer to all dealers in the market area. Finally, it establishes the Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor.

Public Law 1999, chapter 766, section 4 (study commission), was enacted as an emergency measure effective May 8, 2000.

<b>LD 1962</b>	<b>An Act to Establish the State Revolving Loan Fund for Small Business Initiatives</b>	<b>ONTP</b>
----------------	---	-------------

<u>Sponsor(s)</u> SHOREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
-----------------------------	---------------------------------	---------------------------

LD 1962 was carried over from the First Regular Session and proposed to establish the State Revolving Loan Fund for Small Business Initiatives within the Department of Economic and Community Development. Under the bill, the fund would be established initially as a pilot project in Washington County and Hancock County to be administered by the Eastern Maine Development Corporation. The bill also proposed to appropriate \$2,100,000 from the General Fund as initial funding, divided evenly between the counties. Approximately \$100,000 of the initial funding would represent anticipated administration charges for the first year to cover the cost of lending. The bill also proposed to establish a maximum loan of \$175,000 that could be used for capital expenditures and training expenses.

<b>LD 2057</b>	<b>An Act to Amend the Regulation of Dentists Regarding the Use of Anesthesia</b>	<b>ONTP</b>
----------------	---	-------------

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
------------------------------	---------------------------------	---------------------------

LD 2057 was carried over from the First Regular Session and proposed to codify the rules of the Board of Dental Examiners, with additional changes, pertaining to the use of anesthesia by dentists.