

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

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
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Rep. Harold A. Clough
Rep. Stavros J. Mendros
Rep. Kevin L. Shorey*

Staff:

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Maine State Legislature
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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all 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).

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:

CARRIED OVER..... *Bill carried over to Second Regular Session*
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*
ENACTMENT FAILED..... *Bill failed to get vote required for enactment or final passage*
NOT PROPERLY BEFORE THE BODY..... *Ruled out of order by the presiding officers; bill died*
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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

LD 2001

An Act to Require All Businesses in the State to Obtain a License to Operate in the State

ONTP

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2001 proposed to require that business concerns that are not already required to be licensed must obtain from the Secretary of State a license to operate.

LD 2010

An Act to Amend the Maine Lemon Laws

PUBLIC 212

<u>Sponsor(s)</u> MCGLOCKLIN DOUGLASS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-279
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LD 2010 proposed to amend the Maine lemon laws in the following ways.

1. It gave an arbitrator greater discretion in how much the arbitrator may award the manufacturer based on the amount of miles used by a consumer whose vehicle is eventually declared a lemon.
2. It allowed a consumer to receive reasonable costs of alternative transportation if the vehicle is declared a lemon and the consumer was not able to drive the vehicle due to serious manufacturer defects.
3. It allowed a consumer's lease to be terminated along with all related contractual obligations if a leased vehicle is declared a lemon.
4. It allowed a consumer who applies within two years from the date of original delivery or within the term of express warranties, whichever comes first, to be eligible for lemon law arbitration even if the vehicle has exceeded 18,000 miles of operation.
5. It entitled a consumer whose vehicle is declared a lemon to reasonable witness fees if the consumer had a mechanic or engineer testify on the consumer's behalf.
6. It clarified the type of appeal hearing a consumer or manufacturer is eligible to receive if either disagrees with the arbitrator's decision.

Committee Amendment "A" (H-279) proposed to clarify the definition of reasonable allowance for use and require the return of a leased vehicle to the lessor for termination of the lessee's contractual obligations.

Enacted law summary

Public Law 1999, chapter 212 amends the Maine lemon laws in the following ways.

1. An arbitrator is given greater discretion in how much the arbitrator may award the manufacturer based on the amount of miles used by a consumer whose vehicle is eventually declared a lemon.
2. A consumer is allowed to receive reasonable costs of alternative transportation if the vehicle is declared a lemon and the consumer was not able to drive the vehicle due to serious manufacturer defects.

3. A consumer's lease is terminated along with all related contractual obligations if a leased vehicle is declared a lemon and the vehicle is returned to the lessor.
4. A consumer who applies within two years from the date of original delivery or within the term of express warranties, whichever comes first, is eligible for lemon law arbitration even if the vehicle has exceeded 18,000 miles of operation.
5. A consumer whose vehicle is declared a lemon is entitled to reasonable witness fees if the consumer had a mechanic or engineer testify on the consumer's behalf.
6. It clarifies the type of appeal hearing a consumer or manufacturer is eligible to receive if either disagrees with the arbitrator's decision.

LD 2025

An Act to Regulate Unused Property Markets

ONTP

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2025 proposed to provide for the regulation of unused property markets. The bill would have prohibited an unused property merchant from selling or knowingly permitting the sale of baby food, infant formula, cosmetics or personal care products, or any nonprescription drug or medical device. It also proposed to require every unused property merchant to maintain receipts for the purchase of new and unused property. It would have been a violation for any unused property merchant to knowingly falsify, obliterate or destroy receipts, to refuse to make the receipts available for inspection or to fail to maintain the required receipts for at least two years. Certain property and people would have been exempted from regulation. The bill also proposed to provide a penalty for violation of the chapter's provisions.

LD 2036

An Act to Prohibit Deceptive Charitable Solicitations

PUBLIC 221

<u>Sponsor(s)</u> KONTOS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2036 proposed to amend the Charitable Solicitations Act as follows.

1. It amended the definition of commercial co-venturer to include the collection or sale of donated goods by a commercial co-venturer.
2. It required that a charitable organization employing a commercial co-venturer file certain information including the amount of money that was expended to commercial co-venturers during the year.
3. It required the disclosure of pertinent information on containers that are used by a commercial co-venturer for the solicitation of goods.
4. It prohibited a commercial co-venturer from charging a charitable organization a sum of money for goods and services that far exceeds the market value of those goods and services.

Enacted law summary

Public Law 1999, chapter 221 amends the Charitable Solicitations Act as follows: