

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:

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Sen. Susan W. Longley
Sen. Bruce W. MacKinnon*

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Rep. Kevin L. Shorey*

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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.

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:

1. It amends the definition of commercial co-venturer to include the collection or sale of donated goods that is advertised in conjunction with the name of a charitable organization.
2. It requires a charitable organization employing a commercial co-venturer to solicit goods through containers in public places to file certain information including the amount of payments to commercial co-venturers during the year.
3. It requires the disclosure of pertinent information on containers that are used by a commercial co-venturer for the solicitation of goods.
4. It prohibits 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.

LD 2037

An Act to Revise the Lienholder Notification Law

PUBLIC 207

<u>Sponsor(s)</u> BENNETT	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2037 proposed to establish the rights and responsibilities of mobile home park operators and of those persons who hold liens on homes in mobile home parks when either the park operator is attempting to evict the tenant who occupies the home or when the lienholder is attempting to repossess the home.

Enacted law summary

Public Law 1999, chapter 207 establishes the rights and responsibilities of mobile home park operators and lienholders of mobile homes in mobile home parks when either the park operator is attempting to evict the tenant who occupies the home or when the lienholder is attempting to repossess the home.

LD 2042

An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations

PUBLIC 386

<u>Sponsor(s)</u> KONTOS O'NEAL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-214 S-325 KONTOS
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LD 2042 proposed to amend several professional and occupational licensing laws.

Part A would amend the Charitable Solicitations Act.

Part B would amend the Maine Revised Statutes, Title 10, to: allow boards and commissions to delegate to staff the authority to review and approve applications for licensure pursuant to board-approved criteria; provide that continuing education requirements of boards and commissions coincide with license renewal periods; authorize the Commissioner of Professional and Financial Regulation to adjust renewal cycles of boards and commissions from biennial to annual and annual to biennial as necessary; clarify that materials underlying a letter of guidance or concern are only confidential when confidentiality is required pursuant to Title 24, chapter 21, the Maine Health Security Act; and allow boards to establish an inactive license category.