

# 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*

*Rep. Gary L. O'Neal, Chair  
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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](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:

*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.

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.

Part C would amend the Manufactured Housing Board laws.

Part D would authorize certain boards and commissions to assess licensed persons or entities for expenses incurred in performing enforcement duties, to enter into contracts and to issue citations for violations.

Part E would limit the license application and examination fees for chiropractors to \$75.

Part F would amend the Electricians' Examining Board laws.

Part G would amend the Board of Hearing Aid Dealers and Fitters laws.

Part H would repeal the Maine Revised Statutes, Title 32, chapter 29, regarding the Arborist Examining Board.

Part I would amend the State Board of Nursing laws.

Part J would amend the Board of Occupational Therapy Practice laws.

Part K would amend the Oil and Solid Fuel Board laws.

Part L would amend the Board of Examiners in Physical Therapy laws.

Part M would amend the Plumbers' Examining Board laws.

Part N would amend the State Board of Examiners of Psychologists laws.

Part O would amend the Transient Sales laws.

Part P would amend the State Board of Veterinary Medicine laws.

Part Q would amend the State Board of Certification for Geologists and Soil Scientists laws.

Part R would amend the Board of Examiners on Speech-language Pathology and Audiology laws.

Part S would amend the State Board of Alcohol and Drug Counselors laws to reduce the membership of the board.

Part T would amend the Board of Respiratory Care Practitioners laws.

Part U would amend the Board of Counseling Professionals Licensure laws.

Part V would amend the Board of Barbering and Cosmetology laws.

Part W would amend the Propane and Natural Gas Board laws.

Part X would amend the Board of Boilers and Pressure Vessels laws.

Part Y would amend the Board of Elevator and Tramway Safety laws.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

**Committee Amendment "A" (S-214)** proposed to:

1. Provide that certain charitable organizations would be required to register and report to the Office of Licensing and Registration instead of registering with and reporting to the Secretary of State;

2. Clarify that complaints and investigative records of licensing boards and commissions within or affiliated with the Department of Professional and Financial Regulation are confidential unless otherwise provided by Maine Revised Statutes, Title 24, chapter 21;
3. Delete the authority of staff of the Manufactured Housing Board to issue a notice of violation;
4. Clarify that "electrical installations" does not include optical fiber cabling, or audio, video and data communication cabling;
5. Delete the relocation of the Arborist Examining Board to the Department of Agriculture, Food and Rural Resources because that relocation became effective pursuant to Public Law 1999, chapter 84; and
6. Change the training requirements for the practice of aesthetics.

This amendment also added an allocation section and a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-325)** proposed to restore the current definition of "electrical installations" in the laws governing the Electricians' Examining Board. This amendment also eliminates the exception to licensing requirements for optical fiber cable installers.

#### *Enacted law summary*

Public Law 1999, chapter 386 amends several professional and licensing laws.  
Part A amends the Charitable Solicitations Act.

Part B amends the Maine Revised Statutes, Title 10, to: allow boards and commissions to delegate to staff 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.

Part C amends the Manufactured Housing Board laws.

Part D authorizes certain boards and commissions to assess licensed persons or entities for expenses incurred in performing enforcement duties, to enter into contracts and to issue citations for violations.

Part E limits the license application and examination fees for chiropractors to \$75.

Part F amends the Electricians' Examining Board laws.

Part G amends the Board of Hearing Aid Dealers and Fitters laws.

Part H repeals the Maine Revised Statutes, Title 32, chapter 29, regarding the Arborist Examining Board.

Part I amends the State Board of Nursing laws.

Part J amends the Board of Occupational Therapy Practice laws.

Part K amends the Oil and Solid Fuel Board laws.

Part L amends the Board of Examiners in Physical Therapy laws.

Part M amends the Plumbers' Examining Board laws.

Part N amends the State Board of Examiners of Psychologists laws.

Part O amends the Transient Sales laws.

Part P amends the State Board of Veterinary Medicine laws.

Part Q amends the State Board of Certification for Geologists and Soil Scientists laws.

Part R amends the Board of Examiners on Speech-language Pathology and Audiology laws.

Part S amends the State Board of Alcohol and Drug Counselors laws.

Part T amends the Board of Respiratory Care Practitioners laws.

Part U amends the Board of Counseling Professionals Licensure laws.

Part V amends the Board of Barbering and Cosmetology laws.

Part W amends the Propane and Natural Gas Board laws.

Part X amends the Board of Boilers and Pressure Vessels laws.

Part Y amends the Board of Elevator and Tramway Safety laws.

**LD 2057**                      **An Act to Amend the Regulation of Dentists Regarding the Use of Anesthesia**                      **CARRIED OVER**

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

LD 2057 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to codify the Department of Financial and Professional Regulation rules, with additional changes, pertaining to the use of anesthesia by dentists.

**LD 2060**                      **An Act to License Home Building Contractors**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT LONGLEY		

LD 2060 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to require a home building contractor to be licensed and proposes to establish the Board of Home Building Construction to oversee the licensing of home building contractors and home construction supervisors. The board would make available educational materials for contractors and consumers, including a bill of rights, procedures for dealing with contractors and a listing of licensed contractors that includes appropriate information from the contractors' application forms.