

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Business and Economic Development*

August 2001

Members:

Sen. Kevin Shorey, Chair

Sen. Lynn Bromley

Sen. Ed Youngblood

Rep. John Richardson, Chair

Rep. Bruce S. Bryant

Rep. Susan Dorr

Rep. Paul R. Hatch

Rep. Marc Michaud

Rep. Jonathan Thomas

Rep. Harold A. Clough

Rep. Thomas W. Murphy, Jr.

Rep. Brian M. Duprey

Rep. John R. Morrison

Staff:

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**120th Legislature
First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees
August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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*
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 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Business and Economic Development

pump installer and gives the Maine Water Well Commission the duty to license well drilling companies and pump installation companies.

Public Law 2001, chapter 209 was enacted as an emergency measure effective on May 18, 2001.

LD 1092

An Act to Prohibit Negative Option Sales Without a Consumer's Express Agreement

PUBLIC 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY RICHARDSON	OTP-AM	S-106

LD 1092 proposed to prohibit so-called "negative option sales" to prohibit a merchant from charging a consumer for a good or service after a trial period unless the consumer expressly agrees to be charged for the good or service if the consumer does not affirmatively cancel the sale. A violation would be an unfair and deceptive act.

Committee Amendment "A" (S-106) proposed to limit the applicability of this section to sales agreed to by telephone and allows a merchant to provide a written description of the agreement within 10 days of charging the consumer if the services or goods are physically delivered to the consumer on at least a weekly basis. The amendment also proposed to require the merchant to provide the consumer with the calendar date the consumer will be charged for the goods or services.

Enacted law summary

Public Law 2001, chapter 210 prohibits a merchant from charging a consumer for goods or services agreed to by telephone after the trial period without the expressed agreement of the consumer to be charged for those goods or services if the consumer did not cancel the sale during the trial period. This Public Law also provides that at least 15 days prior to any charge, or 10 days prior to charging the consumer if the services or goods are physically delivered to the consumer on at least a weekly basis, the merchant must provide the consumer with a detailed written description of the sales agreement including the process by which the consumer can cancel the agreement, and the calendar date when the consumer will be charged for the sale unless the consumer cancels the sale.

This Public Law was amended by the Errors Bill (LD 30), sections E-1 and E-2. The amended law strikes a requirement in chapter 210 that the merchant provide the consumer a written description of the good or service for which the consumer will be charged on a weekly or more frequent basis within 10 days of the good or service being physically delivered to the consumer. The Errors Bill also establishes limitations on the application of Title 10, Maine Revised Statutes, section 1210.