

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:

Christopher J. Spruce, Legislative Analyst

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Maine State Legislature
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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

LD 1680

An Act to Provide for the 2001 and 2002 Allocations of the State Ceiling on Private Activity Bonds

**P & S 14
EMERGENCY**

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

LD 1680 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2001 and 2002. Under federal law, a maximum of \$187,500,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2001 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

Enacted law summary

Private and Special Law 2001, chapter 14 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2001 and 2002. Under federal law, a maximum of \$187,500,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2001 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2001, chapter 14 was enacted as an emergency measure effective May 8, 2001.

LD 1688

An Act to Amend the Personal Sports Mobile Franchise Law

PUBLIC 246

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM	S-140

LD 1688 proposed to require the Superior Court to refer to arbitration actions dealing with the establishing or relocating of personal sports mobile dealerships. The bill also proposed that treble damages be awarded to a franchise that prevails in an action brought for damages due to an unfair method of competition, an unfair or deceptive act or violation of the laws pertaining to the establishing or relocating of personal sports mobile dealerships.

Committee Amendment "A" (S-140) proposed to strike and replace the text of the original bill. The amendment also proposed to require that, prior to filing any court action against a franchisor related to establishing or relocating a personal sports mobile dealership, a franchisee must serve the franchisor with a written demand for nonbinding mediation to be conducted in this State. It also proposed to suspend the application of any statute of limitations for the 60-day period in which the nonbinding mediation is to occur and to prevent a franchisor from establishing a new or relocating an existing personal sports mobile dealership in the relevant market during that same period. The amendment also proposed to require that the court award attorney's fees and costs to the franchisee or dealer in any court action related to an unfair method of competition, an unfair or deceptive act or violation of the laws governing personal sports mobiles in which a franchisee or dealer prevails.

Joint Standing Committee on Business and Economic Development

Enacted law summary

Public Law 2001, chapter 246 requires that, prior to filing any court action against a franchisor related to establishing or relocating a personal sports mobile dealership, a franchisee must serve the franchisor with a written demand for non-binding mediation to be conducted in this State. The law also suspends the application of any statute of limitations for the 60-day period in which the non-binding mediation is to occur and prevents a franchisor from establishing a new or relocating an existing personal sports mobile dealership in the relevant market during that same period. The law also requires the court to award attorney's fees and costs to the franchisee or dealer in any court action related to an unfair method of competition, an unfair or deceptive act or violation of the laws governing personal sports mobiles in which a franchisee or dealer prevails.

LD 1694

An Act to Amend the Finance Authority of Maine Act

PUBLIC 417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL KILKELLY	OTP-AM	H-467 S-325 GOLDTHWAIT

LD 1694 proposed to amend the Finance Authority of Maine Act in the following ways.

1. Modify the definition of a major business expansion project to include the development of new systems;
2. Delete an erroneous cross-reference to the definition of wartime veteran and to substitute the cross-referenced definition with a requirement that the Bureau of Maine Veterans' Services certify the wartime veteran status to the authority to determine eligibility for loan insurance programs targeted for veterans and wartime veterans;
3. Update the names of the authority's divisions and to combine Finance Authority of Maine's 2 business assistance divisions into one division for administrative purposes;
4. Remove references to the Maine Education Assistance Board, an advisory board to the authority repealed by this bill, and to replace the positions on the Finance Authority of Maine board held by members of the Maine Education Assistance Board with an individual knowledgeable in the field of student financial assistance and an individual generally knowledgeable in the field of higher education;
5. Remove outdated references to the Maine Capital Corporation and the Maine Natural Resources Capital Corporation, which no longer exist;
6. Repeal a reference to the Division of Natural Resources Financing and Marketing, which was repealed in 1993;
7. Update the list of the higher education assistance programs managed by the Finance Authority of Maine;
8. Amend the loan amount that may be advanced against other eligible collateral when the authority insures a loan;
9. Clarify the requirement that a community development organization must authorize the deposit of matching funds into a family development account, to remove a requirement that a financial institution must obtain a cosignature before allowing a withdrawal of fund from a family development account and to create a