

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

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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 1737

An Act to Amend the Forester Licensing Law

PUBLIC 261

<u>Sponsor(s)</u> RICHARDSON SHOREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-396
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LD 1737 proposed to change the current methods to qualify for licensure as a forester or intern forester and to clarify the definition of certain terms, Board of Licensure of Foresters authority and standards of practice. In addition, the proposed changes would define the scope of practice for foresters and intern foresters. The bill also included a transition provision for license applicants who are in the process of applying for a license under the provisions of the Maine Revised Statutes, Title 32, chapter 75.

Committee Amendment "A" (H-396) proposed to amend the original bill by prohibiting the Board of Licensure of Foresters from adopting rules governing forest practices. It also proposed to authorize the board to grant a variance to an applicant for an intern forester license who does not hold a college degree. The amendment further proposed to require the board to adopt rules for the granting of a variance and to designate those rules as major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The amendment also proposed to establish that the rules adopted by the board governing the registration of foresters who supervise intern foresters are major substantive rules. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 261 changes the current methods to qualify for licensure as a forester or intern forester and clarifies the definition of certain terms, Board of Licensure of Foresters authority and standards of practice. In addition, the law defines the scope of practice for foresters and intern foresters. It also authorizes the board to grant a variance to an applicant for an intern forester license who does not hold a college degree. PL 2001, chapter 261 requires the Board of Licensure of Foresters to adopt rules for the granting of such a variance and designates those rules as major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The law also specifies that the rules adopted by the board governing the registration of foresters who supervise intern foresters are major substantive rules. The law includes a transition provision for license applicants who are in the process of applying for a license under the provisions of the Maine Revised Statutes, Title 32, chapter 75. Finally, the law prohibits the Board of Licensure of Foresters from adopting rules governing forest practices.

LD 1738

An Act to Clarify Certain Professional and Occupational Licensing Requirements

PUBLIC 260

<u>Sponsor(s)</u> CLOUGH SHOREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-397
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LD 1738 proposed to resolve ambiguities in the manufactured housing law and the manufactured housing warranties law regarding the scope of practice under the existing "mechanic" and "installer" licenses by creating replacement license categories of "mobile home mechanic" and "modular home mechanic." The bill also proposed to prohibit a manufacturer or dealer from requiring that a dispute arising from the manufacture, sale, installation or

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servicing of a manufactured housing unit in Maine must always be heard in another state. Additionally, the bill proposed to eliminate a penalty limitation that conflicts with the penalty provisions found in Title 10, section 8003, subsection 5, paragraph A-1 that are generally applicable to Office of Licensing and Registration licensing boards.

The bill also proposed to do the following:

1. Amend the law governing the membership of the Board of Dental Examiners to make the denturist position, which expired on January 1, 2001, a permanent position and would amend the laws governing licensure by endorsement for dentists and denturists by reducing the active practice requirement from 5 years to 3 years;
2. Amend the law concerning dealer-licensees of hearing aids by requiring that the notice provided by the dealer-licensee to the purchaser indicate that a full refund of the purchase price, less the reasonable price of the ear mold or molds and lab fees, be made to the purchaser if the purchaser returns the hearing aid within the 30-day trial period following the sale;
3. Amend the nursing laws to permit recent nursing school graduates to practice under the on-site delegation and supervision of a registered professional nurse in order to assist these graduates in attaining training and to help alleviate the current nursing shortage faced in this State;
4. Amend the Oil and Solid Fuel Board laws to rename the journeyman solid fuel license for the progression to master solid fuel license because there is not such a journeyman license;
5. Clarify the intended effect of a change in the Board of Accountancy law that would clarify that all partners, officers, shareholders, members or managers whose principal place of business is in the State, or who perform professional services in Maine must be licensed by the Board of Accountancy. A proposed corresponding change in the Maine Professional Service Corporation Act would allow for a licensed certified public accountant to form corporations with nonlicensed individuals, provided a simple majority of shareholders in a public accounting firm are licensed by the Board of Accountancy; and
6. Authorize the Board of Licensure in Medicine to delegate approval of applications for licensure and renewal to the board's staff.

Committee Amendment "A" (H-397) proposed to replace Part A of the bill with a clarification of the definition of "installation."

Enacted law summary

Public Law 2001, chapter 260 clarifies licensing requirements for certain professions and occupations. Part A of the law clarifies the definition of "installation" of manufactured housing. Part B of the law amends the law governing the membership of the Board of Dental Examiners to make the denturist position, which expired on January 1, 2001, a permanent position. Part B also amends the laws governing licensure by endorsement for dentists and denturists by reducing the active practice requirement from 5 years to 3 years. Part C of the law amends the law concerning hearing aid dealer-licensees by requiring that the notice provided by the dealer-licensee to the purchaser indicate that a full refund of the purchase price, less the reasonable price of the ear mold or molds and lab fees, be made to the purchaser if the purchaser returns the hearing aid within the 30-day trial period following the sale. Part D of the law amends current law governing the profession of nursing to permit recent nursing school graduates to practice under the on-site delegation and supervision of a registered professional nurse in order to assist these graduates in attaining training and to help alleviate the current nursing shortage faced in this

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State. Part D also provides the State Board of Nursing with the authority to appoint a subcommittee to hold informal conferences and enter into consent agreements in disciplinary matters. Part E of the law amends the Oil and Solid Fuel Board laws to rename the journeyman solid fuel license for the progression to master solid fuel license because there is not such a journeyman license. It also eliminates the board member position reserved for a manufacturer, importer or wholesaler of oil-burning equipment.

Part F of the law clarifies the intended effect of a change in the Board of Accountancy law. The amended language clarifies that all partners, officers, shareholders, members or managers whose principal place of business is in the State, or who perform professional services in Maine must be licensed by the Board of Accountancy. A corresponding change in the Maine Professional Service Corporation Act allows for a licensed certified public accountant to form corporations with nonlicensed individuals, provided a simple majority of shareholders in a public accounting firm are licensed by the Board of Accountancy. Part G of the law makes a necessary correction that resulted when Public Law 1999, chapter 386, Part U, section 3 reduced the required hours for licensure as an aesthetician. At that time, the minimum number of base hours for students to attend an aesthetics program either in a school setting or as a trainee was not adjusted accordingly. PL 2001, chapter 260 makes the corresponding adjustment. Finally, Part H of the law authorizes the Board of Licensure in Medicine to delegate approval of applications for licensure and renewal to the board's staff. Licensing decisions by staff may be appealed to the full board.

LD 1749 **Resolve, to Establish a Commission to Review Internet Policy** **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1749, which was a committee bill pursuant to Joint Order H.P. 1155, proposed to establish an 11-member commission to study issues related to the commercial uses of information on the Internet. The proposed Commission to Review Internet Policy would have been required to report its findings and recommendations to the Legislature by November 1, 2001. The Joint Standing Committee on Business and Economic Development voted to carry over the resolve to the Second Regular Session.

LD 1778 **Resolve, to Establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM MAJ		
		ONTP MIN		

LD 1778, which was a committee bill pursuant to Joint Order H.P. 682, proposed to establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine. The 15-member commission would be required to submit a report with its findings and recommendations to the Joint Standing Committee on Business and Economic Development by December 1, 2001. Under the proposed resolve, the Joint Standing Committee on Business and Economic Development would be authorized to report out a bill to implement the recommendations of the commission.