

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Business and Economic Development*

May 2002

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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number.

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:

- 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
PASSED..... Joint Order passed in both bodies
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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Business and Economic Development

LD 2056

**An Act to Strengthen the Laws Governing Inspections of Boilers,
Pressure Vessels, Elevators and Tramways**

PUBLIC 573

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON SHOREY	OTP-AM	H-1010

LD 2056 proposed to do the following:

Part A of the bill proposed to amends the laws governing boiler and pressure vessels to:

1. Provide the chief inspector with the authority to grant variances and to provide any party aggrieved by an order or act of the chief inspector or a deputy inspector with the right to appeal from the order or act to the Board of Boilers and Pressure Vessels;
2. Provide the chief inspector with the ability to take a boiler or pressure vessel out of service if the owner has failed to have it inspected in a timely fashion or has failed to make required repairs;
3. Clarify that it is the owner's responsibility to have a boiler or pressure vessel inspected in a timely manner;
4. Clarify the existing duties of owners of boilers and pressure vessels, including that it is the owner's responsibility to have a boiler or pressure vessel inspected in a timely fashion and establish additional requirements, such as a requirement that the board must be notified when a unit is removed or when required repairs have been completed;
5. Clarify that the board has the authority to adopt rules to implement the purposes of the chapter;
6. Clarify that an insurance company inspector may inspect a boiler or pressure vessel not insured by that company if it is in connection with an application for insurance or when a new unit is installed at an insured location; and
7. Make technical and conforming changes, including changes necessary to conform the Maine Revised Statutes, Title 32, chapter 131 with the provisions of Public Law 1999, c. 687, which provided the Director of the Office of Licensing and Registration with the authority to establish fees for authorized purposes through rulemaking.

Part B of the bill proposed to amend the laws governing elevators and tramways to:

1. Provide the chief inspector with the ability to take an elevator out of service if the owner has failed to have the elevator inspected in a timely fashion or has failed to make required repairs;
2. Clarify the duties and responsibilities of elevator and tramway owners, including the responsibility to obtain an inspection certificate, have the elevator inspected on an annual basis, notify the Board of Elevator and Tramway Safety when required repairs have been made, notify the Board of Elevator and Tramway Safety when ownership of a unit changes and notify the board when a unit is removed or no longer in use.

Joint Standing Committee on Business and Economic Development

3. Provide the chief inspector with the authority to grant variances, subject to the existing right of any party aggrieved by an order or act of the chief inspector or a deputy inspector with the right to appeal from the order or act to the board;
4. Clarify the board's ability to fine an owner or operator for failure to comply with the requirements of the chapter;
5. Strengthen the administrative remedies available against owners who fail to comply with the applicable statutes by giving the board the ability to assess fines of up to \$3,000 per violation;
6. Change the terms of licenses issued by the board from a 3-year term to a one-year term and provide the board with the authority to adopt standards through rulemaking for licensure, renewal and continuing education of elevator and lift mechanics;
7. Prohibit licensed elevator mechanics from repairing elevators that do not have current inspection certificates unless the repairs are to correct violations noted in an inspection report;
8. Prohibit a licensed private elevator inspector from ever inspecting an elevator that he or she sold, serviced or installed or that was sold, serviced or installed by the inspector's employer;
9. Change the license name of licensed elevator inspectors to differentiate private inspectors from state-employed inspectors;
10. Require elevator contractors and helpers to register with the board;

Committee Amendment "A" (H-1010), which was adopted, proposed to do the following:

1. Authorize the Director of Licensing and Registration within the Department of Professional and Financial Regulation to establish a late inspection fee or a late certificate fee regarding boiler and pressure vessel inspections, not to exceed \$250.
2. Clarify that the owner of a boiler or pressure vessel may be assessed a late fee if an inspection report is not submitted within 60 days of the expiration of the most recent certificate or if the certificate fee is not paid within 60 days of when the owner is notified that the inspection report has been received.
3. Elevator or tramway accidents that result from equipment failure, result in significant injury to a person or result in substantial damage to equipment must be reported to the chief inspector in accordance with the board's rules. When such an accident occurs, the inspection certificate for the elevator or tramway involved may be summarily revoked in accordance with the Maine Revised Statutes, Title 5, section 10004.
4. Remove language that prohibits a licensed elevator mechanic from repairing an elevator that does not have a current certificate unless the repairs are being made to correct deficiencies noted in an initial or annual inspection report.
5. Remove the independent registration and fee requirements for helpers.
6. Except for hospitals, the amendment would allow unlicensed plant personnel to work on elevators in industrial and manufacturing plants under the supervision of a plant engineer.

Joint Standing Committee on Business and Economic Development

7. Prohibit a person or company that is licensed as a private elevator and lift inspector and that services an elevator or lift equipment from inspecting that elevator or equipment for a period of one year.
8. Create the Class E crime of criminal operation of an elevator or tramway; and
9. Add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 573 does the following regarding boiler and pressure vessels:

1. Provides the chief inspector with the authority to grant variances and to take a boiler or pressure vessel out of service if the owner has failed to have it inspected in a timely fashion or has failed to make required repairs;
2. Clarifies that it is the owner's responsibility to have a boiler or pressure vessel inspected in a timely manner and authorizes the Director of Licensing and Registration within the Department of Professional and Financial Regulation to establish a late inspection fee or a late certificate fee regarding boiler and pressure vessel inspections, not to exceed \$250; and
3. Clarifies that an insurance company inspector may inspect a boiler or pressure vessel not insured by that company if it is in connection with an application for insurance or when a new unit is installed at an insured location.

Public Law 2001, chapter 573 does the following regarding elevators and tramways:

1. Provides the chief inspector with the ability to take an elevator out of service if the owner has failed to have the elevator inspected in a timely fashion or has failed to make required repairs;
2. Clarifies the duties and responsibilities of elevator and tramway owners, including the responsibility to obtain an inspection certificate, have the elevator inspected on an annual basis, notify the Board of Elevator and Tramway Safety when required repairs have been made, notify the Board of Elevator and Tramway Safety when ownership of a unit changes and notify the board when a unit is removed or no longer in use;
3. Provides the chief inspector with the authority to grant variances and clarifies the board's ability to fine an owner or operator up to \$3,000 per violation for failure to comply with applicable statutes;
4. Requires the owner or lessee to report to the chief inspector any elevator or tramway accidents that result from equipment failure, result in significant injury to a person or result in substantial damage to equipment and when such an accident occurs, the inspection certificate for the elevator or tramway involved may be summarily revoked;
5. Changes the terms of licenses issued by the board from a 3-year term to a one-year term and provides the board with the authority to adopt standards through rulemaking for licensure, renewal and continuing education of elevator and lift mechanics;
6. Changes the license name of licensed elevator inspectors to differentiate private inspectors from state-employed inspectors and requires elevator contractors to register with the board;

Joint Standing Committee on Business and Economic Development

7. Provides that a person or company that is licensed as a private elevator and lift inspector who services an elevator or lift equipment, may not inspect that equipment within 12 months of servicing the same equipment; and
8. Creates the Class E crime of criminal operation of an elevator or tramway.

LD 2089

An Act Concerning the Disposal and Storage of Cremains

PUBLIC 611

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-908
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LD 2089 proposed to allow a funeral director or a practitioner of funeral service who receives cremains to charge a cremains disposal fee not exceeding \$100. This fee would be refunded promptly if the cremains were claimed not later than 180 days after the receipt of the cremains by the funeral director or practitioner of funeral service. If the cremains were not claimed 180 days after their receipt by a funeral director or practitioner of funeral service, that funeral director or practitioner of funeral service could dispose of the cremains in accordance with the Maine Revised Statutes, Title 13, section 1032. Under the proposed bill, that funeral director or practitioner of funeral service would be required to refund promptly any portion of the \$100 fee not expended in the disposal of those cremains. A funeral director or practitioner of funeral service who acted in good faith in accordance with the provisions of this proposed legislation governing the disposal of cremains would not be liable for damages in a civil action for such an act.

Committee Amendment "A" (H-908), which was adopted, proposed to strike and replace the original bill. It proposed to enable a funeral director or practitioner of funeral services to dispose of cremains still in the possession of the director or practitioner providing 2 conditions had been met: First, the cremains had not been claimed for a period of at least 4 years from the time of cremation and second, that the funeral director or practitioner of funeral services had provided a 60-day notice by certified mail to the person who authorized the cremation. The amendment also proposed to add a fiscal note to the bill.

LD 2091

An Act to Provide for the 2002 and 2003 Allocations of the State Ceiling on Private Activity Bonds

**P & S 53
EMERGENCY**

<u>Sponsor(s)</u> SHOREY RICHARDSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2091 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2002 and 2003. Under federal law, a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2003. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

Enacted law summary