

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 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 arranged alphabetically by committee name 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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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

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

Joint Standing Committee on Business and Economic Development

Private and Special Law 2001, chapter 53 establishes 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 law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2001, chapter 53 was enacted as an emergency measure effective March 12, 2002.

LD 2109 **An Act to Prevent Price Gouging During Abnormal Market Disruptions** **ONTP**

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

LD 2109 proposed to clarify that price gouging is an unfair method of competition. The bill also proposed to make price gouging a Class C crime.

LD 2125 **Resolve, Regarding Legislative Review of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation** **RESOLVE 100
EMERGENCY**

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

LD 2125 proposed legislative review of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a major substantive rule of the Department of Professional and Financial Regulation. The provisionally-adopted rules proposed to be reviewed under this resolve were adopted pursuant to Public Laws of 2001, chapter 261. LD 1737, which was enacted as amended by committee amendment “A” in the First Regular Session of the 120th Legislature, required the Board of Licensure of Foresters to adopt major substantive rules pursuant to Maine Revised Statutes, Title 5, chapter 375, subchapter II-A to govern the issuance of a variance to a person who does not meet the educational qualifications established in Chapter 50 of the board’s rules. The proposed rules detailed the work experience and supplemental forestry education that an applicant must demonstrate in order to qualify for a variance.

Enacted law summary

Resolve 2001, chapter 100 provides for legislative review of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a major substantive rule of the Department of Professional and Financial Regulation. The provisionally adopted rules reviewed under the resolve were adopted pursuant to Public Laws of 2001, chapter 261. The proposed rules detailed the work experience and supplemental forestry education that an applicant must demonstrate in order to qualify for a variance.