

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

Resolve 2001, chapter 100 was finally passed as an emergency measure effective March 12, 2002.

LD 2127 **Resolve, Regarding Legislative Review of Chapter 4: Installation Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation** **DIED BETWEEN BODIES**

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

LD 2127 proposed to provide for the legislative review of Chapter 4: Installation Standards, a major substantive rule of the Department of Professional and Financial Regulation regarding the provisional adoption of a plumbing code.

Committee Amendment "A" (H-1031) proposed to remove the emergency preamble and emergency clause and proposed to add a fiscal note to the resolve.

LD 2131 **An Act to Develop a Controlled Substances Prescription Monitoring and Intervention Program** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP A	
	OTP-AM B	
	OTP-AM C	

LD 2131 proposed the establishment of a controlled substances prescription monitoring and intervention program. Under the proposed bill, the Department of Professional and Financial Regulation and the Maine Board of Pharmacy would have developed the computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the board. The bill also proposed to establish a fund within the department to be administered by the department for the purpose of funding the implementation and ongoing costs associated with the program. Finally, the bill proposed to require the department to report back to the joint standing committee having jurisdiction over business and economic development matters its recommendations for funding the program along with implementing legislation by January 2, 2003.

Committee Amendment "A" (S-518), which was not adopted, was a minority report and proposed to replace the bill. The amendment proposed to direct the Department of Behavioral and Developmental Services, Office of Substance Abuse to study the feasibility and advisability of establishing a controlled substances prescription monitoring and intervention program. The amendment proposed to direct the Office of Substance Abuse to make recommendations related to the implementation of the program, including the controlled substances to be included in the program, intervention and enforcement issues and confidentiality issues. The amendment also proposed to require the Office of Substance Abuse to report back to the joint standing committee of the Legislature having jurisdiction over business and economic development matters by January 2, 2003 and proposed to authorize the committee to report out a bill during the First Regular Session of the 121st Legislature. The amendment also proposed to add a fiscal note.

Joint Standing Committee on Business and Economic Development

Committee Amendment "B" (S-519), which was not adopted, was a minority report and proposed to remove the controlled substances prescription monitoring and intervention program from the Department of Professional and Financial Regulation and place it with the Department of Behavioral and Developmental Services, Office of Substance Abuse. This amendment also proposed to require the Office of Substance Abuse and the Department of Professional and Financial Regulation, Maine Board of Pharmacy to develop the program by January 1, 2004. This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "B" (H-1067), which was not adopted, proposed to provide that the Office of Substance Abuse develop and administer the controlled substances prescription monitoring and intervention program. Committee Amendment "B" proposed to provide for the Office of Substance Abuse and the Department of Professional and Financial Regulation, Maine Board of Pharmacy, to jointly develop and administer this program.

LD 2139 **Resolve, Regarding Legislative Review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation** **RESOLVE 102 EMERGENCY**

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

LD 2139 proposed legislative review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a major substantive rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulations. 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 registration of foresters who supervise unlicensed personnel. The rules proposed to implement a registration system that not only requires the forester to register with the board to supervise the unlicensed person, but also requires the forester to have a signed, written agreement with the unlicensed person, to accept responsibility for the activities of the unlicensed person related to the practice of forestry that are related to the person's employment or the agreement, and to register annually with the board at the time of license application or renewal.

Enacted law summary

Resolve 2001, chapter 102 provides for legislative review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a major substantive rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulations. The provisionally adopted rules reviewed under this resolve were adopted pursuant to Public Laws of 2001, chapter 261. The rules implement a registration system that not only requires the forester to register with the board to supervise the unlicensed person, but also requires the forester to have a signed, written agreement with the unlicensed person, to accept responsibility for the activities of the unlicensed person related to the practice of forestry that are related to the person's employment or the agreement, and to register annually with the board at the time of license application or renewal.

Resolve 2001, chapter 102 was finally passed as an emergency measure effective April 3, 2002.