

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Business, Research and Economic Development*

May 2004

Members:

Sen. Lynn Bromley, Chair

Sen. Christopher G. L. Hall

Sen. Kevin L. Shorey

Rep. Nancy B. Sullivan, Chair

Rep. Lillian LaFontaine O'Brien

Rep. Guy J. Duprey, Jr.

Rep. Edward Pellon

Rep. Nancy E. Smith

Rep. Susan M. Austin

Rep. Robert A. Berube

Rep. Lawrence E. Jacobsen

Rep. Stephen R. Beaudette

Rep. William T. Rogers, Jr.

Staff:

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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/billsumm.htm).

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
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Business, Research and Economic Development

LD 1152

An Act To Authorize Collaborative Practice for Emergency Contraception

PUBLIC 524

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP MAJ	
RICHARDSON J	ONTP MIN	

LD 1152 proposed to authorize a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice. The bill proposed to require a pharmacist who initiates emergency contraception drug therapy pursuant to these provisions to provide the recipient with a standardized fact sheet developed by the Department of Professional and Financial Regulation, Maine Board of Pharmacy, in consultation with the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other health care organizations. The bill also proposed to require that prior to performing this procedure a pharmacist complete a specified training program.

Senate Amendment "A" (S-379), which was not adopted, proposed to require a pharmacist, prior to initiating emergency contraceptive drug therapy on a minor, to obtain the informed written consent of the minor and one parent, guardian or adult family member of the minor or a court order, similar to that required before a minor may obtain an abortion. The amendment also proposed to correct a reference in the bill.

Enacted Law Summary

Public Law 2003, chapter 524 authorizes a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice. The law requires a pharmacist who initiates emergency contraception drug therapy pursuant to these provisions to provide the recipient with a standardized fact sheet developed by the Department of Professional and Financial Regulation, Maine Board of Pharmacy, in consultation with the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other health care organizations. The law also requires that prior to performing this procedure a pharmacist complete a specified training program.

LD 1257

An Act To Amend the Laws Concerning Returnable Beverage Containers

**PUBLIC 700
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-855
CATHCART		H-977

LD 1257 proposed to do the following:

1. Raise from 5¢ to 7¢ the deposit on refillable and nonrefillable beverage containers, except wine and spirits containers;

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2. Raise from 15¢ to 20¢ the deposit on wine and spirits containers;
3. Specify that 1/2 of 1¢ of each deposit must be placed in the Beverage Container Enforcement Fund, which would be used to fund the administrative and enforcement responsibilities under the bottle return laws of the Department of Agriculture, Food and Rural Resources; and
4. Increase the handling fee that initiators of deposit must pay to dealers or redemption centers from 3¢ to 4.5¢ and 5¢ depending on the type of beverage container.

Committee Amendment "A" (H-855) proposed to phase in the transfer of unclaimed deposits and handling fee increases for beverage containers in product groups that are the subject of commingling agreements that have been filed by March 1, 2004 with the Department of Agriculture, Food and Rural Resources regardless of whether the initiator of deposit was a party to that agreement. On October 1, 2004, initiators of deposit would be required to transfer unclaimed deposits and pay the additional 1/2¢ handling fee for beverage containers not included in a qualified commingling agreement, including unclaimed deposits and handling fees that were not transferred or paid during the period of March 1, 2004 to October 1, 2004. The amendment also proposed to enable unclaimed deposit amounts to be treated as a tax and reports concerning unclaimed deposit amounts to be treated as returns, for the purposes of collection and enforcement, and to designate the State Tax Assessor as the collector of these amounts.

Additionally, the amendment proposed to correct an error in Public Law 2003, chapter 499 by including vintners within the exemption to commingling requirements and handling fee increases, as was originally intended and incorrectly understood to be accomplished by use of the term "brewer." The amendment also proposed to specify that any rule change necessary to implement the inclusion of vintners is a routine technical rule, and to add an emergency preamble and emergency clause.

Committee of Conference Amendment "A" to Committee Amendment "A" (H-977) proposed to strike the section of Committee Amendment "A" that corrected an error in Public Law 2003, chapter 499 because the error had been corrected in Public Law 2003, chapter 688.

The amendment also proposed to change the date by which an initiator of deposit would be required to transfer unclaimed deposits and pay the additional 1/2¢ handling fee for beverage containers from October 1, 2004 to July 1, 2004, and to add a retroactivity clause.

House Amendment "A" to Committee Amendment "A" (H-956), which was not adopted, proposed to require an initiator of deposit to pay the 1/2¢ handling fee increase until such time as the initiator were to become covered by a qualified commingling agreement.

Enacted Law Summary

Public Law 2003, chapter 700 phases in the transfer of unclaimed deposits and handling fee increases for beverage containers in product groups that are the subject of commingling agreements that have been filed by March 1, 2004 with the Department of Agriculture, Food and Rural Resources regardless of whether the initiator of deposit was a party to that agreement. On July 1, 2004, initiators of deposit must pay the additional 1/2¢ handling fee and transfer unclaimed deposits, for beverage containers not included in a qualified commingling agreement, that were not paid or transferred during the period of March 1, 2004 to July 1, 2004. The law also enables unclaimed deposit amounts to be treated as a tax and reports concerning unclaimed deposit amounts to be treated as returns, for the purposes of collection and enforcement, and designates the State Tax Assessor as the collector of these amounts.

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Public Law 2003, chapter 700 was enacted as an emergency measure effective May 11, 2004.

LD 1325

An Act To Encourage and Support Maine Small Businesses

PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-486
SULLIVAN	ONTP MIN	S-562 CATHCART

LD 1325, which was a concept draft, proposed to direct the Department of Economic and Community Development to provide certain programming and resources specifically to owner-operated small businesses in the State.

Committee Amendment "A" (S-486), which was the majority report of the committee, proposed to replace the concept draft and to:

1. Authorize the InforME system to designate as "InforME Goldstar Communities" those towns, cities or municipalities that provide exemplary on-line services for persons seeking to establish businesses in the State;
2. Require that appointments to the Maine Regulatory Fairness Board be presented to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters prior to being made final;
3. Change the name of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission;
4. Include the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as ex officio, nonvoting members and the chair of the Small Business Development Centers Advisory Council as a voting member of the Maine Small Business and Entrepreneurship Commission; and
5. Direct the InforME system, in cooperation with certain state agencies, to include, no later than January 1, 2006, as part of its services on-line application and submission of forms for licensure as a business. Additionally, it proposed to require live on-line assistance from the Department of Economic and Community Development, with technical assistance from the InforME system, to address questions concerning establishment of a business in the State.

Senate Amendment "A" to Committee Amendment "A" (S-562) proposed to strike the bill's appropriation section.