

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

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

July 2003

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. Christopher Rector

Rep. William T. Rogers, Jr.

Staff:

James Adolf, Legislative Analyst

Patrick Norton, Deputy Director

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670

Maine State Legislature



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

121st Maine Legislature First Regular 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).

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>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<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>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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

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

Joint Standing Committee on Business, Research and Economic Development

Enacted Law Summary

Public Law 2003, chapter 292 defines "inclined stairway chairlift" as a mechanized chair apparatus running on a track or rail along the side of a staircase, and removes inclined stairway chairlifts from regulation and oversight by the Board of Elevator and Tramway Safety by removing these chairlifts from the definition of "elevator."

LD 1257 An Act To Increase Returnable Beverage Container Redemption Rates CARRIED OVER

<u>Sponsor(s)</u> DUNLAP CATHCART		<u>Committee Report</u>		<u>Amendments Adopted</u>
---	--	-------------------------	--	---------------------------

LD 1257 proposes to do the following:

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

LD 1278 An Act To Amend the Maine Health Security Act as It Relates to the Reporting of Registered Nurses by Health Care Providers ONTP

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
----------------------------	--	---------------------------------	--	---------------------------

LD 1278 proposed to amend the Maine Health Security Act as it relates to the reporting of registered nurses by health care providers and health care entities to the State Board of Nursing to provide that the State Board of Nursing should adopt rules for mandatory reporting of registered nurses.

LD 1294 An Act To Amend the Motor Vehicle Franchise Law PUBLIC 356

<u>Sponsor(s)</u> LAFOUNTAIN O'NEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-184
---	--	-----------------------------------	--	------------------------------------

LD 1294 proposed to amend the laws concerning regulation of business practices between motor vehicle manufacturers, distributors and dealers.

Joint Standing Committee on Business, Research and Economic Development

This bill proposed to prohibit automobile franchisors from recovering costs for reimbursing a franchisee for parts and labor and to create a 7-member Maine Motor Vehicle Franchise Board to resolve complaints between motor vehicle dealers and manufacturers. The bill also proposed to repeal the existing mediation process used to settle such disputes and to amend various timelines for certain notifications required by law. The bill also proposed to create a position in the Department of the Secretary of State, Bureau of Motor Vehicles, to serve as the chair of the Maine Motor Vehicle Franchise Board. As proposed in the bill, partial compensation for that position and all costs for the operation of the board would be paid entirely from the Maine Motor Vehicle Franchise Fund, which is funded by fees imposed in the law that are paid by automobile franchisees and franchisors. This bill also proposed to clarify that the right to succeed to ownership of a franchise by family members and other lawful successors applies to the retirement of the franchise owner as well as death or disability, and to clarify that a franchise agreement may not include any requirement that a franchisee establish or maintain exclusive facilities, personnel or display space for different lines of motor vehicles or related products.

This bill was heard and worked in conjunction with LD 75, which also proposed to amend the laws concerning the regulation of business practices between motor vehicle manufacturers, distributors and dealers.

Committee Amendment "A" (S-184) proposed to change the length of time allowed for filing various notices and claims proposed in the bill, to change the composition of the proposed Maine Motor Vehicle Franchise Board by reducing from 4 to 3 the number of members who are motor vehicle dealers and by increasing from one to 2 the number of public members and to clarify that the board, rather than the Secretary of State, has the authority to levy civil penalties for violations of the laws governing business practices between motor vehicle manufacturers, distributors and dealers.

The amendment also proposed to clarify that the position in the Bureau of Motor Vehicles is a full-time attorney position and that full compensation for that position, as well as costs for the operation of the board, are to be paid entirely from the proposed Maine Motor Vehicle Franchise Fund.

Enacted Law Summary

Public Law 2003, chapter 356 amends the laws concerning regulation of business practices between motor vehicle manufacturers, distributors and dealers. Specifically, this law prohibits automobile franchisors from recovering costs for reimbursing a franchisee for parts and labor and creates a 7-member Maine Motor Vehicle Franchise Board to resolve complaints between motor vehicle dealers and manufacturers. The Maine Motor Vehicle Franchise Board is not the exclusive venue for initially bringing a complaint, but if any party asserting claims or defenses under the Maine Revised Statutes, Title 10, chapter 204 or that could be brought under chapter 204 brings a complaint before the board, then all other civil actions or administrative actions must be tolled pending the outcome of proceedings before the board. This law also repeals the mediation requirements under the Maine Revised Statutes, Title 10, section 1173-A.

This law also clarifies that the right to succeed to ownership of a franchise by family members and other lawful successors applies to the retirement of the franchise owner as well as death or disability, clarifies that a franchise agreement may not include any requirement that a franchisee establish or maintain exclusive facilities, personnel or display space for different lines of motor vehicles or related products, changes the length of time allowed for filing various notices and claims, and grants the Maine Motor Vehicle Franchise Board, rather than the Secretary of State, the authority to levy civil penalties for violations of the laws governing business practices between motor vehicle manufacturers, distributors and dealers. The law also creates a full-time attorney position in the Department of the Secretary of State, Bureau of Motor Vehicles, who will serve as the chair of the Maine Motor Vehicle Franchise Board. Compensation for that position and all costs for the operation of the board are paid

Joint Standing Committee on Business, Research and Economic Development

entirely from the Maine Motor Vehicle Franchise Fund, which is funded by fees imposed in the law that are paid by automobile franchisees and franchisors.

LD 1305 **An Act To Require Water Tests Prior to the Sale of Homes** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE G NASS	ONTP MAJ OTP MIN	

LD 1305 proposed to require that the seller of residential real property with a private water supply provide to the purchaser the results of a water test. The bill also proposed to require the Real Estate Commission to adopt rules to ensure consistency with the requirements of disclosure of water test results.

LD 1316 **An Act To Establish Medical Gas and Vacuum System Installer Certification** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT	ONTP	

LD 1316 proposed to create the State Board of Examiners for the Medical Gas and Vacuum System Industry and establish certification requirements for medical gas and vacuum system installers. The bill also proposed to create a permit system for those who apprentice as medical gas and vacuum system installers.

LD 1325 **An Act To Encourage and Support Maine Owner-operated Small Businesses** **CARRIED OVER**

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

LD 1325 is a concept draft pursuant to Joint Rule 208. It proposes to direct the Department of Economic and Community Development to provide certain programming and resources specifically to owner-operated small businesses in this State.

LD 1326 **An Act To Provide for the 2003 and 2004 Allocations of the State Ceiling on Private Activity Bonds** **P & S 17
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SULLIVAN	OTP-AM	S-73

LD 1326 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2003 and 2004. Under federal law, a maximum of \$228,580,000 in tax-exempt bonds benefiting private