

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

Enacted Law Summary

Public Law 2003, chapter 681 does the following.

1. It authorizes 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. It requires 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. It changes the name of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission;
4. It includes 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. It directs 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, the law requires 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.

LD 1410

An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers

INDEF PP

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

LD 1410 proposed to do the following:

Part A proposed to eliminate State licensing of boxers and wrestlers.

Part B proposed to eliminate State licensing of transient sellers.

Committee Amendment "A" (S-377), which was not adopted, was the minority report of the Joint Standing Committee on Business, Research and Economic Development. The amendment proposed to strike from the bill Part B, which proposed to eliminate state licensing of transient sellers. The amendment also proposed to move from the Maine Revised Statutes, Title 32 to Title 17 the crime of promoting or participating in a professional or amateur "toughman," "badman" or "ultimate fighting" match. Title 17 includes a number of crimes and other similar prohibited conduct. Finally, the amendment proposed to bar a person from boxing, wrestling or kick boxing in Maine if the person had been barred from competing in such events by any state or federal body.

Joint Standing Committee on Business, Research and Economic Development

House Amendment "A" to Committee Amendment "A" (H-788), which was not adopted, proposed to remove kickboxing as a regulated boxing activity. The amendment also proposed to delay the repeal of the Maine Athletic Commission until July 1, 2006, and to require the Department of Professional and Financial Regulation to report semiannually to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the activities of the Maine Athletic Commission. The amendment also proposed to require the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to review and assess whether altering or eliminating the repeal of the Maine Athletic Commission should be recommended.

LD 1551

An Act To License Home Building and Improvement Contractors

ONTP

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

LD 1551 proposed to create the Maine Home Contractor Licensing Act.

Committee Amendment "A" (H-863), which was the minority report of the committee and was not adopted, proposed to do the following:

1. Require licensure of a person who acts as a general home contractor or who installs, removes, repairs and replaces framing, roofing, siding, insulation, windows or chimneys;
2. Require a license only for work on "dwellings," which would be defined as being owner-occupied buildings or buildings constructed for sale to owner-occupants consisting of 1 or 2 units;
3. Exempt from licensure requirements a person who receives less than \$3,000 per year from any owner; works for licensed contractors; is working within the scope of another trade license; is a government employee acting within the scope of employment; has an ownership interest in the subject dwelling; is a vocational student; is a public utility; or is operating under a manufactured housing license;
4. Create the Maine Home Contractor Licensing Board, appointed by Governor, consisting of 2 public members; 4 home contractors; one municipal code enforcement officer; one licensed engineer or architect, who is a nonvoting member; and one representative of the fire service, who is a nonvoting member;
5. Empower the board to make rules, grant and deny licenses, impose standards of practice, require continuing education and hold hearings, as well as to exercise other powers;
6. Require for licensure as a general home contractor the following:
 - A. Four years combined experience and education, acknowledgment of the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary; or