

# 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.*

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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](http://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 1773**                      **An Act To Amend the Definition of "Electrical Installations" in the Laws Governing Electricians**                      **PUBLIC 603**

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

LD 1773 proposed to amend the laws governing electricians to include complete installations related to photovoltaic, fuel cell and wind power generation systems in the definition of "electrical installations."

***Enacted Law Summary***

Public Law 2003, chapter 603 amends the laws governing electricians to include complete installations related to photovoltaic, fuel cell and wind power generation systems in the definition of "electrical installations."

**LD 1795**                      **An Act To Permit the Filling of a Prescription Refill Prior to the End of the Prescription**                      **ONTP**

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

LD 1795 proposed to allow pharmacists to refill a prescription for a nonnarcotic drug up to a week prior to the end of the prescription if the refill were ordered by a registered professional nurse providing nursing services in a home setting. The bill also proposed to direct the Maine Board of Pharmacy to adopt routine technical rules to implement the section.

**LD 1801**                      **An Act To Control Adult Entertainment Establishments**                      **PUBLIC 595**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	ONTP      MAJ OTP-AM    MIN	H-733

LD 1801 was a concept draft pursuant to Joint Rule 208. It proposed to prohibit the operation of adult entertainment establishments within a specified radius of churches, schools, public parks and residential zones. Under the bill, "adult entertainment establishment" would be defined as a sexually oriented business, including, but not limited to, adult amusement stores, adult video stores, adult bookstores, adult novelty stores, adult motion picture theaters, on-site video screening establishments, adult arcades, adult entertainment nightclubs or bars, adult spas, establishments featuring strippers or erotic dancers and escort agencies. It also proposed to require State licensing of all adult entertainment establishment owners, managers and employees.

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

**Committee Amendment "A" (H-733)**, which was the minority report of the committee, proposed to replace the concept draft and enable a municipality to enact an adult entertainment establishment ordinance, which regulates the operation of sexually oriented businesses, without triggering the requirement of adoption of a comprehensive plan.

### *Enacted Law Summary*

Public Law 2003, chapter 595 enables a municipality to enact an adult entertainment establishment ordinance, which regulates the operation of sexually oriented businesses, without triggering the requirement of adoption of a comprehensive plan.

**LD 1818**

**An Act To Amend the Economic Development Laws**

**DIED BETWEEN  
BODIES**

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

LD 1818 proposed to make changes to and update statutory language for programs overseen by the Department of Economic and Community Development. These would include changing the name of the community industrial building program under the Maine Rural Development Authority, clarifying the MRDA conflict-of-interest language and modifying the financial commitment required by the MRDA of a municipality.

The bill also proposed to transfer the statutory responsibilities of the Energy Conservation Division of the Department of Economic and Community Development, Office of Business Development to the Public Utilities Commission as a result of the transfer of those duties in Public Law 2003, chapter 20.

**Committee Amendment "A" (S-452)**, which was the majority report of the committee, proposed to:

1. Change the name of the Department of Economic and Community Development to "Department of Commerce, Communities and Tourism," effective July 1, 2005;
2. Allow the Maine Rural Development Authority to finance projects in which the subject property were under purchase option or contract, so that the value and ownership of the property could be established more easily and with greater accuracy;
3. Clarify that a municipality, another governmental entity or a local development corporation could meet its requirement to contribute 25% of the authority's contribution using any type of assistance, not limited to cash;
4. Delete all the provisions of the bill that concern transfer of the Department of Economic and Community Development's statutory responsibility for energy conservation, other than the provision of law concerning the ride share program. The program was proposed to be repealed in the bill. The amendment proposed to transfer authority over the ride share program from the Department of Economic and Community Development to the Department of Transportation;