

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

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;

Joint Standing Committee on Business, Research and Economic Development

5. Repeal the provision of law allowing the Commissioner of Economic and Community Development to serve on the Board of Trustees of the Maine Community College System;
6. Simplify the process for amending provisions governing a Pine Tree Development Zone, including allowing amendment by majority vote of municipal officers within a zone; and
7. Correct an error that was created when Public Law 2003, chapters 426 and 451 both enacted a new Title 30-A, chapter 206, subchapter 3 in the Maine Revised Statutes with similar section numbers by repealing subchapter 3 as enacted by Public Law 2003, chapter 451, Part NNN, section 2 and enacting it as subchapter 4 with new section numbers.

Committee Amendment "B" (S-453), which was not adopted and was the minority report of the committee, proposed to incorporate all of the provisions of Committee Amendment "A" except for the provision that would have changed the name of the Department of Economic and Community Development.

LD 1831	Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 126 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-758

LD 1831 proposed to provide for legislative review of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-758) proposed to approve the final adoption of the provisionally adopted major substantive rule provided that:

1. Language would be added providing an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers would be required to pay a \$50 rather than a \$500 annual license fee;
2. Language would be added providing that a distributor designated in a qualified commingling agreement would be required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and
3. Language would be added to provide that wine containers marked by the manufacturer with a label that is consistent with the requirements of the rule would not be required to have any additional labels, stickers or marking.

Enacted Law Summary

Resolve 2003, chapter 126 approves the final adoption of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a