

# 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](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*

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**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
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

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

provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources provided that:

1. Language is added providing an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers are required to pay a \$50 rather than a \$500 annual license fee;
2. Language is added providing that a distributor designated in a qualified commingling agreement is 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 is added to provide that wine containers marked by the manufacturer with a label that is consistent with the requirements of the rule are not required to have any additional labels, stickers or marking.

Resolve 2003, chapter 126 was enacted as an emergency measure effective April 9, 2004.

**LD 1838**

**An Act To Provide for the 2004 and 2005 Allocations of the State  
Ceiling on Private Activity Bonds**

**P & S 38  
EMERGENCY**

Sponsor(s)  
SULLIVAN  
BROMLEY

Committee Report  
OTP

Amendments Adopted

LD 1838 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2004 and 2005. Under federal law, a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004 and a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2005. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

### ***Enacted Law Summary***

Private and Special Law 2003, chapter 38 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2004 and 2005. Under federal law, a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004 and a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2005. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2003, chapter 38 was enacted as an emergency measure effective March 17, 2004.