

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

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

August 2005

Members:

Sen. Lynn Bromley, Chair

Sen. Barry J. Hobbins

Sen. Dana L. Dow

Rep. Nancy E. Smith, Chair

Rep. Lillian LaFontaine O'Brien

Rep. Stephen R. Beaudette

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Rep. Lawrence E. Jacobsen

Rep. John C. Robinson

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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7. It limits eligibility for Pine Tree Development Zone credit against the insurance premium tax to 10 years from the commencement of the qualified business activity and clarifies the rules regarding apportionment of the credit by companies that engage in both qualified and nonqualified activities;
8. It limits eligibility for Pine Tree Development Zone credit against the corporate income tax to 10 years from the commencement of the qualified business activity and clarifies the rules regarding apportionment of the credit by corporations that engage in both qualified and nonqualified activities. The law limits the amount of Pine Tree Development Zone credit for a member of a pass-through entity to the amount of tax attributable to taxable income derived from the pass-through entity. The law redefines "affiliated business" under the ETIF program to match the definition under the Maine Revised Statutes, Title 36, Part 8;
9. It repeals the definition of "affiliated group" under the ETIF program and defines "average employment during the base period" for purposes of the ETIF program. Existing law measures employment on December 31st of each year. This change allows measurement of employment at the end of each quarter during the year, creating a more accurate employment picture;
10. It redefines "base level of employment" for purposes of the ETIF program. Existing law measures employment on December 31st of the previous year. This change allows measurement of employment at the end of each quarter during the year, creating a more accurate employment picture. The law updates a statute reference made obsolete by the changes in this amendment;
11. It adds a limitation to the ETIF program stating that "qualified employees" does not include those employees that are shifted to a qualified activity from elsewhere in the company or from an affiliate of the company. This limitation currently exists in a separate section of law;
12. It repeals the section of law that describes the shifting limitation for the ETIF program. The limitation is moved to Title 36, section 6753, subsection 12 in this amendment; and
13. Finally, the law amends the ETIF law to reflect the increase in the top percentage of employment tax increment available to employers for qualified employees in a Pine Tree Development Zone tax increment from 75% to 80%.

Public Law 2005, chapter 351 was enacted as an emergency measure effective June 9, 2005.

LD 472

An Act To Amend the Statewide Building Code

PUBLIC 200

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN COWGER	OTP-AM	H-295

LD 472 proposed to require towns, cities or municipalities that adopt the Maine Model Building Code to also adopt the International Existing Building Code, which is a building rehabilitation code.

Committee Amendment "A" (H-295) proposed to require towns, cities or municipalities that adopt a building rehabilitation code to adopt the International Existing Building Code, which is a building rehabilitation code. It also proposed to authorize the State Planning Office to obtain public and private funds to conduct a project that would harmonize the codes and standards currently in law with the Maine Model Building Code and the International Existing Building Code within 3 years. The amendment proposed to require the State Planning

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Office to report back on the status of the project to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

Public Law 2005, chapter 200 requires towns, cities or municipalities that adopt a building rehabilitation code to adopt the International Existing Building Code, which is a building rehabilitation code. The law also provides that the State Planning Office is authorized to obtain public and private funds to conduct a project that would harmonize the codes and standards currently in law with the Maine Model Building Code and the International Existing Building Code within 3 years. The law requires the State Planning Office is required to report back on the status of the project to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

LD 552 **Resolve, Directing the Board of Dental Examiners To Establish by Rule Protocols To Allow Dental Hygienists Practicing under Public Health Supervision Status To Administer Fluoride or Other Antimicrobials** **RESOLVE 39**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS DOW	OTP-AM	H-256

LD 552 proposed to allow dental hygienists to prescribe fluoride and chlorhexidine or their derivatives without a dentist present.

Committee Amendment "A" (H-256) proposed to replace the bill with a resolve directing the Department of Professional and Financial Regulation, Board of Dental Examiners to establish by rule protocols that would describe the conditions under which dental hygienists with public health supervision status would be authorized to administer fluoride or other antimicrobials.

Enacted law summary

Resolve 2005, chapter 39 directs the Department of Professional and Financial Regulation, Board of Dental Examiners to establish by rule protocols that describe the conditions under which dental hygienists with public health supervision status are authorized to administer fluoride or other antimicrobials.

LD 566 **An Act To Amend the Definition of "Chiropractic Acupuncture"** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN PERRY A	ONTP MAJ OTP MIN	