

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

Rep. Charles Earl Crosby, III

Rep. David W. Farrington

Rep. Christopher Rector

Rep. Susan M. Austin

Rep. Robert A. Berube

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.

Joint Standing Committee on Business, Research and Economic Development

LD 653 proposed to require that franchisors of power equipment, machinery and appliances reimburse franchisees at the franchisees' retail rates for parts or labor supplied in satisfaction of the franchisors' warranties. The bill also proposed to require that franchisors approve or disapprove franchisees' reimbursement claims within 30 days of submission and pay claims within 30 days of approval. Finally, the bill proposed to enable franchisees who bring successful legal actions for reimbursement to receive costs and legal fees and prohibit agreements that would impair their ability to perform warranty work in a professional manner.

Committee Amendment "A" (S-258) proposed to replace the bill and provide for specific warranty obligations for farm machinery dealerships. It proposed to establish minimum compensation rates for labor and parts that a supplier must compensate a dealer for when warranty work is performed.

Enacted law summary

Public Law 2005, chapter 317 provides for specific warranty obligations for farm machinery dealerships. The law establishes minimum compensation rates for labor and parts that a supplier must compensate a dealer for when warranty work is performed.

LD 661 **An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures** **PUBLIC 198**

<u>Sponsor(s)</u> SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-294
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LD 661 proposed to allow a dental hygienist to perform a temporary filling procedure without a dentist present.

Committee Amendment "A" (H-294) proposed to specify that dental hygienists with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners.

Enacted law summary

Public Law 2005, chapter 198 establishes that dental hygienists with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners.

LD 673 **An Act To Require Agricultural Representation on the Maine Tourism Commission** **PUBLIC 33**

<u>Sponsor(s)</u> SMITH N BROMLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 673 proposed to add a member representing agricultural producers to the Maine Tourism Commission.

Enacted law summary

Joint Standing Committee on Business, Research and Economic Development

Public Law 2005, chapter 33 adds a member representing a statewide organization of agricultural producers to the Maine Tourism Commission.

LD 680 **An Act To Provide for the Efficient Administration of Scholarship Resources** **PUBLIC 109 EMERGENCY**

<u>Sponsor(s)</u> GAGNON THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-123
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LD 680 proposed to eliminate the University of Maine System Scholarship Fund currently held by the Finance Authority of Maine and create an identical fund to be administered by the Board of Trustees of the University of Maine System. The bill also proposed to require the Finance Authority of Maine to transfer the funds from the old fund to the new fund by July 1, 2005.

Committee Amendment "A" (S-123) proposed to clarify that fees credited from the University of Maine System registration plate may not be distributed as scholarships to students attending the University of Maine. It also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2005, chapter 109 eliminates the University of Maine System Scholarship Fund currently held by the Finance Authority of Maine and creates an identical fund to be administered by the Board of Trustees of the University of Maine System. The law requires the Finance Authority of Maine to transfer the funds from the old fund to the new fund by July 1, 2005. The law clarifies that fees credited from the University of Maine System registration plate may not be distributed as scholarships to students attending the University of Maine.

Public Law 2005, chapter 109 was enacted as an emergency measure effective May 13, 2005.

LD 684 **An Act To Expand the Availability of Pine Tree Development Zone Benefits** **ONTP**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 684 proposed to designate the entire State a "Pine Tree Development Zone," enabling qualifying businesses anywhere in the State to access Pine Tree Development Zone benefits.