

# 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:**

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*Sen. Barry J. Hobbins*

*Sen. Dana L. Dow*

*Rep. Nancy E. Smith, Chair*

*Rep. Lillian LaFontaine O'Brien*

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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*

**Committee Amendment "A" (S-239)** proposed to increase the requirements for consideration of a waiver of the postgraduate training requirements for licensure as a physician in this State from a minimum of 2 years of working experience to at least 3 years of clinical experience in the physician's area of expertise. It also proposed to provide that once the Board of Licensure in Medicine has determined that the physician has met the basic requirements for consideration of a waiver, it shall consider physicians that have completed a 3-year clinical fellowship in the area of expertise. The amendment placed the burden of proof on the applicant to prove the quality and content of the fellowship. It also proposed to require the board to consider publication in a peer-reviewed clinical medical journal that is recognized by the board and the number of years in clinical practice. The amendment proposed to require that costs associated with the board's determination of licensing eligibility must be borne by the applicant.

### *Enacted law summary*

Public Law 2005, chapter 363 increases the requirements for consideration for a waiver of the postgraduate training requirements for licensure as a physician in this State from a minimum of 2 years of working experience to at least 3 years of clinical experience in the area of expertise. The law provides that once the Board of Licensure in Medicine has determined that the physician has met the basic requirements for consideration of a waiver, it shall consider physicians that have completed a 3-year clinical fellowship in the area of expertise. The burden of proof is placed on the applicant to prove the quality and content of the fellowship. The law also requires the board to consider publication in a peer-reviewed clinical medical journal recognized by the board and the number of years in clinical practice. The costs associated with the board's determination of licensing eligibility must be borne by the applicant.

### **LD 1263**

### **An Act To Contain Costs, Reduce Paperwork and Streamline the Regulatory Process for Maine's Small Businesses**

**PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	H-678 SMITH N S-348

LD 1263 proposed to establish a Small Business Ombudsman position in the Governor's office that would utilize existing resources to advocate for the small business community and provide technical assistance to the Maine Regulatory Fairness Board. The bill also proposed to add 2 members to the board, one appointed by the President of the Senate and one appointed by the Speaker of the House. The bill proposed to change the frequency of the board's reports to the Governor and the Legislature from 2 times a year to 6 times a year and would require the Small Business Ombudsman to report certain information to the Governor and the joint standing committees of the Legislature having jurisdiction over business and economic development matters and state and local government matters. The bill also proposed to require the board to meet 6 times a year as opposed to 2 times.

**Committee Amendment "A" (S-348)** proposed to delete the provisions in the bill that would establish the Small Business Ombudsman position within the Governor's office. It also proposed to delete the provision that would have increased the Maine Regulatory Fairness Board's reporting requirements to the Governor and the Legislature from annually to 6 times a year. It would decrease the board's meeting requirements from 6 times a year to at least 3 times a year. It also provides that the Governor's appointees to the board must represent at least 2 members from businesses with fewer than 50 employees and at least 2 members from businesses with less than 20 employees. It also proposed to broaden the title of the Deputy Commissioner of Economic and Community Development to include Chief Executive of Small Business and Entrepreneurship. It also proposed to change the

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title of the Office of Business Development to the Office of Business Development and Entrepreneurship. It would expand the requirement that the Office of Business Development and Entrepreneurship focus on not only attracting, but also supporting, particular types of businesses that have potential for Maine and that are considered to be compatible with Maine's environment and interests. It also proposed to provide that when the office conducts an analysis of the various industrial sectors of the economy, the office would analyze the types of businesses to be targeted for support as well as attraction.

**House Amendment "A" to Committee Amendment "A" (H-678)** proposed to direct the Commissioner of Economic and Community Development to create within existing budgeted resources the Office of Small Business and Entrepreneurship and outline the duties of the Director of the Office of Small Business and Entrepreneurship. The amendment also proposed to strike language that would change the name of the Office of Business Development to the Office of Business Development and Entrepreneurship. It also proposed to strike language in the amendment that broadens the title of the Deputy Commissioner of Economic and Community Development. This amendment also proposed to reestablish the Maine Regulatory Fairness Board.

*Enacted law summary*

Public Law 2005, chapter 458 directs the Commissioner of Economic and Community Development to create within existing budgeted resources the Office of Small Business and Entrepreneurship and requires the appointment of a director to operate the Office of Small Business and Entrepreneurship. The director of the office will be responsible for advocating for policies and programs that will stimulate investment and growth in small business and entrepreneurship in Maine. The director will be required to assist in the oversight of the State's investments in small business and entrepreneurship initiatives, chair the Maine Entrepreneurship Working Group, prepare a biennial report to the Legislature on the status of small business and entrepreneurship in Maine and oversee the Business Answers program. This law also reestablishes the Maine Regulatory Fairness Board.

**LD 1267**

**An Act To Extend the Kim Wallace Adaptive Equipment Loan Program**

**PUBLIC 191  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL RICHARDSON J	OTP	

LD 1267 proposed to amend the Kim Wallace Adaptive Equipment Loan Program in the following ways:

1. It authorizes a state agency other than the Finance Authority of Maine to administer the program fund.
2. It authorizes the program board to employ individuals as needed.
3. It clarifies how loans are approved or ratified by the board and provides that the board exercises the powers of a lender or creditor upon entering loan agreements.
4. It continues the transportation assistance program that would otherwise cease on June 30, 2005.

*Enacted law summary*