

# 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*

to amend the State Board of Social Worker Licensure by removing restrictive language with regard to license types. Finally, the bill proposed to eliminate one position from the Board of Barbering and Cosmetology currently designated for an owner of a barbering or cosmetology school located in the State.

**Committee Amendment "A" (H-356)** proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2005, chapter 235 eliminates the position on the Electricians' Examining Board designated for the Commissioner of Professional and Financial Regulation or the commissioner's designee. The law also amends the State Board of Social Worker Licensure by removing restrictive language with regard to license types to provide greater flexibility to appoint members with significant clinical social work experience. Finally, the law eliminates the position from the Board of Barbering and Cosmetology that is currently designated for an owner of a barbering or cosmetology school located in the State.

**LD 1480**

**An Act Regarding Licensing Boards**

**PUBLIC 262**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	S-208

LD 1480 proposed to increase the statutory fee caps with respect to the Board of Chiropractic Licensure, the Maine Board of Pharmacy, the Board of Licensure for Professional Land Surveyors and the Board of Real Estate Appraisers. The bill proposed to provide for a standardized approach to licensure renewal procedures.

**Committee Amendment "A" (S-208)** proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2005, chapter 262 increases the statutory fee caps with respect to the Board of Chiropractic Licensure, the Maine Board of Pharmacy, the Board of Licensure for Professional Land Surveyors and the Board of Real Estate Appraisers. The law also provides for a standardized approach to licensure renewal procedures.

**LD 1482**

**An Act To Provide for the 2005 and 2006 Allocations of the State Ceiling on Private Activity Bonds**

**P & S 5  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY RECTOR	OTP-AM	S-115

LD 1482 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2005 and 2006. Under federal law, a maximum of \$239,180,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2005 and 2006. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

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

Committee Amendment "A" (S-115) proposed to add a fiscal note to the bill.

### *Enacted law summary*

Private and Special Law 2005, chapter 5 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2005 and 2006. Under federal law, a maximum of \$239,180,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2005 and 2006. The law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2005, chapter 5 was enacted as an emergency measure effective May 10, 2005.

**LD 1484**                      **An Act To Protect Consumers and Enhance Real Estate Practice**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY RECTOR	ONTP	

LD 1484 proposed to amend various statutes affecting real estate brokerage agencies. The bill proposed to add commercial leasing to the definition of "real estate brokerage."

The bill proposed to provide several methods to protect consumers from unlicensed real estate activity. It would give the Real Estate Commission the authority to investigate and prosecute unlicensed real estate activity. It also proposed to create a private cause of action by which an affected party may seek a court-ordered injunction to prohibit unlicensed real estate activity. The bill would not affect the authority of the Attorney General's office to investigate and prosecute unlicensed real estate activity.

The bill proposed to provide minimum service standards for real estate brokerage agencies and amend the educational provisions for real estate brokerage licensees. The bill would increase the continuing education requirement for licensees from 15 hours to 21 hours and remove the requirement that associate real estate brokerage license applicants take an examination. Additionally, the bill proposed to require that applicants for a real estate sales agent license both complete a course of study of no less than 84 hours and take an examination.

The bill proposed to require that real estate brokerage licensees, as well as owners selling their own homes, provide property disclosures containing certain information. It also proposed to update the seller's mandatory disclosures involving reference to heating systems and sources rather than to insulation. The bill also proposed to authorize the Real Estate Commission to adopt other mandatory disclosures through rulemaking.

**LD 1503**                      **An Act To Amend the Economic Development Statutes**                      **PUBLIC 425**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE DOW	OTP-AM	H-683

LD 1503 proposed to make changes to Maine rural development law, including changing the name of the community industrial building program to the speculative industrial building program, clarifying conflicts of