

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

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> BROMLEY RECTOR		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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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> BERUBE DOW		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-683
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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

Joint Standing Committee on Business, Research and Economic Development

interest for the board of directors and clarifying the required municipal participation in a project. The bill also proposed to remove the sunset from the Maine Technology Institute law, change the board members as a result of the dissolution of the Maine Science and Technology Foundation and clarify the board liability insurance coverage. The bill also proposed to create designee authority for the Commissioner of Economic and Community Development on the Maine Rural Development Authority, Finance Authority of Maine, Energy Resources Council and Maine Small Business and Entrepreneurship Commission and remove the commissioner as a nonvoting trustee from the Maine Community College System board.

The bill would remove the office directors within the Department of Economic and Community Development as major policy-influencing positions and establish that the Director of the Office of Innovation serves as the State Science Advisor. It proposed to remove a representative from the department as a nonvoting member from the allocation committee for determining the private activity bond ceiling and establish the Small Enterprise Growth Board as a corporate entity. Finally, the bill proposed to repeal the language requiring the department to develop and implement a marketing campaign to attract and retain youth in Maine.

Committee Amendment "A" (H-683) proposed to specify that the office directors within the Department of Economic and Community Development serve at the pleasure of the commissioner. It also proposed to establish that the position responsible for the administration of the tax incentive programs is a classified state employee position. It would repeal the sunset provision on the Maine Research and Development Evaluation Fund and remove the involvement of the State Budget Officer from the process for assessing the contributing organizations. It would require that the Office of Innovation provide to agencies the annual budget for the fund, as well as a detailed account of each institution's required assessment. It also proposed to remove the previous requirement that transfers to the Maine Research and Development Evaluation Fund must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

Enacted law summary

Public Law 2005, chapter 425 makes changes to the Maine rural development law, including changing the name of the community industrial building program to the speculative industrial building program, clarifying conflicts of interest for the board of directors and clarifying the required municipal participation in a project. The law removes the sunset from the Maine Technology Institute law, makes changes to the board members as a result of the dissolution of the Maine Science and Technology Foundation and clarifies the board liability insurance coverage. The law creates designee authority for the Commissioner of Economic and Community Development on the Maine Rural Development Authority, Finance Authority of Maine, Energy Resources Council and Maine Small Business and Entrepreneurship Commission and removes the commissioner as a nonvoting trustee from the Maine Community College System board.

The law also removes the office directors within the Department of Economic and Community Development as major policy-influencing positions and specifies that the office directors within the Department of Economic and Community Development serve at the pleasure of the commissioner. It establishes that the Director of the Office of Innovation serves as the State Science Advisor. The law removes a representative from the department as a nonvoting member from the allocation committee for determining the private activity bond ceiling and establishes the Small Enterprise Growth Board as a corporate entity.

The law also establishes that the position responsible for the administration of the tax incentive programs is a classified state employee position. The law repeals the sunset provision on the Maine Research and Development Evaluation Fund and removes the involvement of the State Budget Officer from the process for assessing the contributing organizations. The law requires that the Office of Innovation provide to agencies the annual budget

Joint Standing Committee on Business, Research and Economic Development

for the fund, as well as a detailed account of each institution's required assessment. It also removes the previous requirement that transfers to the Maine Research and Development Evaluation Fund must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Finally, the law repeals the language requiring the department to develop and implement a marketing campaign to attract and retain youth in Maine.

LD 1509 **An Act To Amend the Laws Governing the Manufactured Housing Board** **PUBLIC 344**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS MILLETT	OTP-AM	S-260

LD 1509 proposed to amend the laws governing the Manufactured Housing Board. The bill proposed to amend the definitions of "dealer," "installer," "mechanic" and "manufactured housing." The bill also proposed to enact definitions for the terms "developer dealer" and "manufacturer's agent." It proposed to require licensing of developer dealers and manufacturer's agents.

Committee Amendment "A" (S-260) proposed to delete all references to the term "manufacturer's agent" in the bill. It also proposed to clarify that active licensees of the Real Estate Commission are exempt from the licensing requirements for selling or brokering used manufactured housing and new manufactured housing if such housing is sold or offered for sale by a licensee of the Manufactured Housing Board.

Enacted law summary

Public Law 2005, chapter 344 amends the laws governing the Manufactured Housing Board. The law amends the definitions of "dealer," "installer," "mechanic" and "manufactured housing." The law also enacts a definition for the term "developer dealer" and requires licensing of developer dealers. The law also clarifies that active licensees of the Real Estate Commission are exempt from the licensing requirements for selling or brokering used manufactured housing and new manufactured housing if such housing is sold or offered for sale by a licensee of the Manufactured Housing Board.

LD 1522 **An Act To Provide Consumers an Itemized Receipt for Gasoline Purchased with a Credit or Debit Card** **ONTP**

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

LD 1522 proposed to require that a person, firm, partnership, association, corporation or limited liability company that accepts a credit card or debit card for the retail purchase of gasoline must provide to the purchaser at the gasoline pump a receipt that includes the total number of gallons purchased and the price per gallon.