

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

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

July 2006

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

Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular Session

Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 arranged alphabetically by committee name 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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/billsumm.htm).

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:

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
ONT P.....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

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Enacted law summary

Resolve 2005, chapter 138 directs the Department of Professional and Financial Regulation to review current statutory requirements for prescription drug labeling, pharmacy practices in the area of prescription drug labeling and methods used by pharmacists to inform consumers about their prescription drugs and any substitutions made to prescriptions. The resolve requires the department to report its findings and recommendations for best practices in the area of prescription drug labeling to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by January 15, 2007. In addition, the resolve authorizes the joint standing committee to report out legislation on prescription drug labeling practices to the First Regular Session of the 123rd Legislature.

LD 1834

An Act To Accommodate Victims of Identity Theft

PUBLIC 494

Sponsor(s)
GROSE

Committee Report
OTP-AM

Amendments Adopted
H-759

LD 1834 proposed to require, if a security freeze is in place, a consumer reporting agency to expunge any information in the consumer's file that is the result of identity theft.

Committee Amendment "A" (H-759) proposed to replace the bill. It proposed to clarify that information contained in a consumer's credit report that is the result of identity theft is considered inaccurate information pursuant to the Fair Credit Reporting Act and is subject to correction by the consumer reporting agency.

Enacted law summary

Public Law 2005, chapter 494 clarifies that information contained in a consumer's credit report as a result of identity theft is considered inaccurate information for purposes of the Fair Credit Reporting Act and is subject to correction by the consumer reporting agency.

LD 1835

Resolve, To Ensure That Consumers Are Informed of a Debit Card Hold at the Point of Sale

RESOLVE 176

Sponsor(s)
ASH

Committee Report
OTP-AM

Amendments Adopted
H-930

LD 1835 proposed to prohibit a merchant from placing a hold on the credit or funds available to a consumer using a credit card or debit card in excess of the actual transaction amount unless the merchant reduces the hold to the actual transaction amount within one hour of the completion of the sale. The bill proposed to establish a fine of \$250 for the first violation and \$1,000 for subsequent violations.

Committee Amendment "A" (H-930) proposed to change the bill to a resolve. It proposed to provide that persons, firms, partnerships, associations, corporations or limited liability companies may disclose the amount of a debit card hold in the form of a notice and also proposed to describe the forms in which the notice may be given and it specifies the information the notice must include. This amendment also proposed to require the Department

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of Professional and Financial Regulation, Bureau of Financial Institutions to work with interested parties to develop a consumer awareness brochure that explains debit card holds and to make the brochure available, at cost, to financial institutions and merchants. In addition, it proposed to require the Office of the Attorney General to report on the number of consumer complaints received regarding debit card hold practices to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2007.

Enacted law summary

Resolve 2005, chapter 176 provides that persons, firms, partnerships, associations, corporations or limited liability companies may disclose to customers the amount of a debit card hold in the form of a notice, describes the form and content of the notice and includes a sunset provision that repeals this portion of the resolve on December 31, 2007.

The resolve requires the Department of Professional and Financial Regulation, Bureau of Financial Institutions to work with interested parties to develop a consumer awareness brochure that explains debit card holds. It requires the bureau to make the brochure available to financial institutions and merchants. In addition, this resolve requires the Office of the Attorney General to report on the number of consumer complaints received regarding debit card hold practices to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2007.

LD 1878

An Act To Protect Small Payroll Processors

PUBLIC 500

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROBINSON DIAMOND	OTP-AM	H-787

LD 1878 proposed to create the Payroll Processor Recovery Fund, to be maintained by the Finance Authority of Maine and administered by the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. This bill proposed to protect employers and assist small payroll processors by giving those payroll processors the option of providing a \$10,000 bond or letter of credit to the fund administrator, and the ability to then use the fund in lieu of additional surety bonds or letters of credit. The bill proposed to require the Office of Consumer Credit Regulation to provide an initial deposit into the fund and annually assess those payroll processors that opt to participate in the fund. The bill proposed to establish annual assessments against payroll processors using the fund that are equal to 1% of their total bond or letter of credit coverage requirement. The bill also proposed to clarify that supervised financial organizations acting as payroll processors are subject to regulation by the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-787) proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2005, chapter 500 creates the Payroll Processor Recovery Fund, to be maintained by the Finance Authority of Maine and administered by the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The law provides payroll processors with the option to provide a \$10,000 bond or letter of credit and the ability to use the fund in lieu of additional surety bonds or letters of credit. The law