

# 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](http://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
ONTP.....	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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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

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requires the Office of Consumer Credit Regulation to provide an initial deposit into the fund, followed by annual assessments to those payroll processors that participate in the fund. The law establishes annual assessments to participating payroll processors in an amount equal to 1% of their total bond or letter of credit coverage requirement. The law clarifies 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.

**LD 1919**

### **An Act To Amend the Laws Governing Real Estate Appraiser Licensing To Comply with Federal Law**

**PUBLIC 518**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRINGTON HOBBINS	OTP-AM	H-810

LD 1919 proposed to change the license qualifications for real estate appraiser applicants to conform to the education, experience and examination requirements adopted by the federally recognized appraiser qualifications board, effective January 1, 2008. Under the provisions of Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, the appraiser qualifications board establishes the minimum education, experience and examination requirements for real estate appraisers to obtain a state license.

The bill proposed an increase in the number of appraisal-related classroom hours in addition to the requirement of an associate's degree or 21 semester credit hours of specific courses identified by the appraiser qualifications board and a bachelor's degree or 30 semester credit hours or specific courses identified by the appraiser qualifications board for applicants applying for the certified residential and certified general license level, respectively.

**Committee Amendment "A" (H-810)** proposed to remove references to the appraisal subcommittee from the bill and inserts correct references to the appraiser qualifications board and makes other minor technical changes.

#### ***Enacted law summary***

Public Law 2005, chapter 518 amends the laws relating to real estate appraisers to comply with the education, experience and examination requirements adopted by the federally recognized appraiser qualifications board, effective January 1, 2008. The law increases the education requirements for licensure and the number of appraisal-related classroom hours. The law also requires an associate's degree or 21 semester credit hours of specific courses identified by the appraiser qualifications board and a bachelor's degree or 30 semester credit hours or specific courses identified by the appraiser qualifications board for applicants applying for the certified residential and certified general license level, respectively.