

# 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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regarding registered contractors and proposed to require the use of a model contract and change order contract and proposed to establish a public complaint process that would be conducted electronically over the Internet.

**Committee Amendment "A" (H-1006)** proposed to replace the bill. This amendment proposed to require that home construction contracts for more than \$3,000 include as an addendum consumer protection information on home construction and repair as it is provided on the Attorney General's publicly accessible website, as well as a clear and conspicuous notice that states consumers are strongly advised to visit the Attorney General's publicly accessible website to gather information on how to enforce their rights when constructing or repairing their home.

This amendment also proposed to require the Attorney General and the Criminal Law Advisory Commission to review provisions in the Maine Criminal Code that are available to prosecute home building and improvement contractors that engage in deceptive and fraudulent business practices and determine whether any changes in the criminal code are appropriate. It also provides that any proposed changes to the code be submitted to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as well as the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by February 1, 2007.

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

Public Law 2005, chapter 619 requires home construction contracts to include as an addendum consumer protection information on home construction and repair as it is provided on the Attorney General's publicly accessible website as well as a clear and conspicuous notice that states consumers are strongly advised to visit the Attorney General's publicly accessible website to gather information on how to enforce their rights when constructing or repairing their home. The law requires the Attorney General and the Criminal Law Advisory Commission to review provisions in the Maine Criminal Code that are available to prosecute home building and improvement contractors that engage in deceptive and fraudulent business practices and determine whether any changes in the criminal code are appropriate. The law requires that proposed changes to the code be submitted to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as well as the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by February 1, 2007.

**LD 2091**

### **An Act To Make Changes to the Laws Regarding Pine Tree Development Zones**

**PUBLIC 669**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DRISCOLL          | OTP-AM MAJ<br>ONTP MIN  | H-1026<br>H-1065 DRISCOLL |

LD 2091 proposed to allow the designation of a Pine Tree Development Zone on any industrial site that has sustained a minimum loss of 500 workers during the prior 5 years.

**Committee Amendment "A" (H-1026)** proposed to require that applications for a waiver of the Pine Tree Development Zone wage and unemployment requirements for property contained within an industrial site that has sustained a minimum loss of 500 workers be received by August 1, 2010.

**House Amendment "A" to Committee Amendment "A" (H-1065)** proposed to provide that only a qualified business with a base level of employment equal to zero is eligible to receive Pine Tree Development Zone

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benefits under the provisions of the laws governing Pine Tree Development Zones that determine eligibility of property based on a recent loss of population or jobs.

### *Enacted law summary*

Public Law 2005, chapter 669 establishes a waiver of the Pine Tree Development Zone labor market unemployment rate and wage requirements for property that is contained within an industrial site that has sustained a minimum loss of 500 employed workers during the 5-year period preceding the time of application for Pine Tree Development Zone benefits. The law requires that qualified businesses have a base level of employment equal to zero in order to be eligible for these benefits. In addition, the law requires that applications for a waiver under this section be received by August 1, 2010.

**LD 2099**                      **Resolve, To Provide Assistance to Heating Fuel Customers Who Enter into Prepaid Contracts That Are Not Honored**                      **ONTP**

| <u>Sponsor(s)</u>  | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| MARRACHE<br>GAGNON | ONTP                    |                           |

LD 2099 was a concept draft pursuant to Joint Rule 208. This resolve proposed to provide a one-time means of financial assistance to customers who enter into prepaid heating fuel contracts that are not honored by the heating fuel supplier.

**LD 2101**                      **An Act Regarding Prepaid Contracts for Heating Fuel**                      **PUBLIC 632**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CANAVAN<br>GAGNON | OTP-AM                  | H-1025                    |

LD 2101, which was based on legislation introduced in Vermont, proposed to establish requirements for prepaid contracts for home heating oil, kerosene or liquefied petroleum gas. The bill proposed to prohibit a home heating oil, kerosene or liquefied petroleum gas dealer from entering into a prepaid contract to provide home heating oil, kerosene or liquefied petroleum gas with a consumer unless that dealer has obtained futures contracts, a surety bond or a letter of credit.

**Committee Amendment "A" (H-1025)** proposed to make a technical correction to the bill to provide a consistent reference to the type of security required for prepaid contracts.

### *Enacted law summary*

Public Law 2005, chapter 632 establishes requirements for prepaid contracts for home heating oil, kerosene or liquefied petroleum gas. The law prohibits home heating oil, kerosene or liquefied petroleum gas dealers from entering into prepaid contracts to provide home heating oil, kerosene or liquefied petroleum gas to consumers unless the dealer has obtained futures contracts, a surety bond or a letter of credit.