

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Business, Research and Economic Development

Committee Amendment "A" (S-146)

This amendment replaces the bill with a resolve that directs the Department of Professional and Financial Regulation, State Board of Nursing to amend its rules for the board's standardized medication course for certified nursing assistants to increase the clinical instructor-to-student ratio from 1:1 when the student is administering medications in the clinical setting to a ratio of 1:3. The amendment also requires the board to notify the Joint Standing Committee on Business, Research and Economic Development of the rule change by September 1, 2008.

Enacted Law Summary

Resolve 2007, chapter 76 directs the Department of Professional and Financial Regulation, State Board of Nursing to amend its rules for the board's standardized medication course for certified nursing assistants to increase the clinical instructor-to-student ratio from 1:1 when the student is administering medications in the clinical setting to a ratio of 1:3. The law requires the board to notify the Joint Standing Committee on Business, Research and Economic Development of the rule change by September 1, 2008.

LD 1637 **An Act To Adopt the Uniform Emergency Volunteer Health Practitioners Act**

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill seeks to adopt the Uniform Emergency Volunteer Health Practitioners Act to provide a procedure for recognizing licenses granted by other states to health care practitioners who volunteer to provide assistance in this State during an emergency. The bill proposes to create a registration system that health care practitioners licensed in other states may use either before or during an emergency. Upon registration, a health care practitioner would be permitted to contribute that practitioner's professional skills to emergency relief efforts.

LD 1657 **An Act To Support and Enhance Maine's Beverage Container Recycling Laws and Household Hazardous Waste Collection**

ONTP

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

This bill raises the deposit and refund on beverage containers from 5¢ to 10¢ and provides that the deposit and refund must be adjusted for inflation every 10 years beginning January 1, 2018. It doubles the handling fee paid to redemption centers beginning March 1, 2008. It expands the law to include aseptic containers. It provides that the unclaimed beverage container deposits must be deposited in a dedicated account in the State Planning Office for grants for household hazardous waste collection. It requires the State Planning Office to report on the volume of nonrefillable beverage containers that is disposed of as municipal solid waste in the State each year.

LD 1681 **An Act To Preserve and Grow Maine Jobs**

ONTP

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

Joint Standing Committee on Business, Research and Economic Development

This bill requires a business that is closing and relocating to another part of the State or consolidating and closing its facilities or leaving a facility vacant, and that has received an economic development incentive from the State and had a minimum of 100 employed workers during the 3-year period immediately preceding the time of the business closure to either reimburse the State for the full amount of economic development incentives the State has distributed to the business or work in good faith with the Governor and the Commissioner of Economic and Community Development to find a new owner for the business or locate a new business to take its place in the same area of the State.

LD 1690 *Resolve, Directing the Department of Professional and Financial Regulation To Study the Necessity and Feasibility of Regulating Certain Mechanical Trades* ONTP

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

This resolve directs the Department of Professional and Financial Regulation to conduct a study of the necessity and feasibility of regulating certain mechanical trades within existing regulatory programs of the department. The resolve allows for the appropriate legislative oversight committee to submit proposed legislation in the Second Regular Session of the 123rd Legislature.

LD 1696 *An Act To Amend Maine's Bottle Laws* **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM A B OTP-AM C	

This bill amends the bottle redemption laws in the following ways:

1. It reduces the minimum allowable deposit for wine and spirit containers from 15¢; to 5¢;
2. It increases the collection and handling fee for beverage containers by 2¢;
3. It prohibits the commingling of beverage containers of like or dissimilar product groups, materials or size of 2 or more initiators of deposit except for 12-ounce aluminum containers;
4. It lists size categories in which beverage containers must be sorted and requires distributors to provide gauged bags to dealers and local redemption centers;
5. It redirects funds from abandoned deposits from the General Fund to the Department of Education;
6. It increases the penalty for a violation of the beverage container laws for a distributor from a fine of no more than \$100 to a fine of no more than \$1,000; and
7. It allows a private right of action for a local redemption center to enforce the bottle redemption laws against a distributor.

Committee Amendment "A" (S-325)