

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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*

of the laws pertaining to the acceptance of empty beverage containers and the payment of refund values and handling fees.

## **Enacted Law Summary**

Public Law 2007, chapter 299 makes a series of changes to Maine's "bottle bill" laws.

1. It clarifies that the definition of "reverse vending machine" does not include devices such as hand scanners.
2. It provides the Department of Agriculture, Food and Rural Resources with the authority to remove any product from sale if that product has not been properly registered pursuant to the Maine Revised Statutes, Title 32, section 1865, subsection 3.
3. It allows distributors to refuse to accept beverage containers processed in a way that has reduced the container's value below current market recycling value. The law still requires distributors to accept beverage containers that are empty, unbroken and reasonably clean. The Department of Agriculture, Food and Rural Resources is directed to adopt routine technical rules establishing the method for determining the current market recycling value of beverage containers. Those rules may authorize the use of a 3rd-party vendor to make that determination and must prescribe how payment for those 3rd-party vendor costs will be allocated among the parties involved.
4. It provides that the Department of Agriculture, Food and Rural Resources may revoke a dealer or redemption center license if the dealer or redemption center is adjudged to have committed a violation of the laws pertaining to the acceptance of empty beverage containers and the payment of refund values and handling fees.

**LD 1773      An Act To Encourage Availability of Genuinely Affordable Housing in High-cost Markets**

**ONTP**

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

This bill creates the definition of "housing affordability index," which is the ratio of a price of a home that is affordable for a household with a labor market's median income to the median home price for the labor market, calculated by the Maine State Housing Authority. This bill requires a developer of a subdivision of more than 5 housing units in a labor market that has an affordability index of less than 0.88 to dedicate at least 10% or one of the units as affordable units. This bill requires the Attorney General to enforce the provisions of this bill, with a person in violation committing a civil violation for which a fine of twice the profit the person made by not making the units affordable if the person sells the units or allowing the court to order the property to conform to the provisions of this bill if the units are rental units still in the possession of the person.

**LD 1787      An Act To Amend the Licensing of Landscape Architects**

**PUBLIC 390**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM   MAJ ONTP     MIN	H-451

This bill amends the licensing requirements and qualifications for landscape architects. This bill limits the scope of the practice of licensed landscape architecture to services provided for the purposes of landscape preservation, development and enhancement to properties that are open to and accessible by the public and affect public safety, such as site vehicular access and circulation, multi-vehicle parking areas and site grading that affects existing drainage capacity projects.

# Joint Standing Committee on Business, Research and Economic Development

The changes made by this bill take effect January 1, 2009.

## Committee Amendment "A" (H-451)

This amendment removes provisions in the bill that proposed to change the form of licensure for landscape architects from a title act to a practice act. The amendment clarifies the scope of practice for landscape architects and retains the current form of licensure as a title act. It also removes the delayed effective date that was provided in the bill.

## Enacted Law Summary

Public Law 2007, chapter 390 clarifies the scope of practice for landscape architects and retains the current form of licensure as a title act.

## LD 1791 An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws

**PUBLIC 392  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT	OTP-AM	S-244

This bill creates an exemption from licensing requirements in the laws governing the Oil and Solid Fuel Board and the Propane and Natural Gas Board for individuals who perform combustion testing on oil burning equipment and propane and natural gas appliances. Each licensing board is required to engage in emergency rulemaking regarding combustion testing that an unlicensed individual may perform without a license. Each board's emergency rules are to be adopted under the provisions of the Maine Administrative Procedure Act within 90 days of the effective date of this Act.

## Committee Amendment "A" (S-244)

This amendment retains the bill as an emergency, but replaces the content of the bill. The amendment authorizes the Oil and Solid Fuel Board and the Propane and Natural Gas Board to issue limited energy auditor technician licenses to qualified persons for the purposes of conducting combustion safety and efficiency testing of oil-fired or gas-fired space heating equipment or water heating equipment. These limited licenses do not authorize the license holder to make adjustments to oil-fired or gas-fired space heating equipment or water heating equipment. The amendment also directs those boards to adopt emergency routine technical rules to implement these new licensing provisions within 90 days after the effective date of this Act.

## Enacted Law Summary

Public Law 2007, chapter 392 authorizes the Oil and Solid Fuel Board and the Propane and Natural Gas Board to issue limited energy auditor technician licenses to qualified persons for the purposes of conducting combustion safety and efficiency testing of oil-fired or gas-fired space heating equipment or water heating equipment. These limited licenses do not authorize the license holder to make adjustments to oil-fired or gas-fired space heating equipment or water heating equipment. The law also directs those boards to adopt emergency routine technical rules to implement these new licensing provisions within 90 days after the effective date of this Act.

Public Law 2007, chapter 392 was enacted as an emergency measure effective June 21, 2007.

## LD 1794 Resolve, To Provide Regional Economic Development Assistance To Ensure Prosperity in Maine

**ONTP**

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