

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**

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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

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	

Joint Standing Committee on Business, Research and Economic Development

This resolve directs the Department of Economic and Community Development to establish a position in the department dedicated to providing community development assistance, including regional economic development assistance, to municipalities in all areas of the State. The focus of this position must be on providing assistance to a municipality, upon the application of that municipality to the department, in preserving the character, integrity and viability of that municipality, with a special emphasis on preserving downtown areas.

**LD 1802 An Act To Ensure Public Benefit from Investments in Taxpayer
Financed Research**

ONTP

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

This bill establishes policies for the use of taxpayer-funded research in the private sector to maximize the return on investment for the public's benefit and to create a uniform policy for the transfer of taxpayer-funded research into the private sector. It also requires the Maine Technology Institute Director, in consultation with the Department of Economic and Community Development, Office of Innovation and an attorney with the University of Maine School of Law's intellectual property program and with participation from consumer advocacy groups, the University of Maine System and the business community, to perform a study to develop and gather information necessary to establish reasonable pricing policies for all taxpayer-funded research and make recommendations for changes in state laws and rules to ensure that commercialization and the development of intellectual property from taxpayer-funded research is widely available to the State and its citizens at a reasonable price.

**LD 1827 Resolve, Directing the Department of Professional and Financial
Regulation To Conduct a Sunrise Review Regarding the Practice of
Licensed Midwifery**

RESOLVE 115

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-450

This bill establishes a license for certified professional midwives and creates the Board of Licensed Midwives within the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-450)

This amendment replaces the bill with a resolve that directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment of the proposal to license certified professional midwives and to submit a report to the Joint Standing Committee on Business, Research and Economic Development by February 15, 2008. The amendment also authorizes the committee to submit legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 115 directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment of the proposal to license certified professional midwives and to submit a report to the Joint Standing Committee on Business, Research and Economic Development by February 15, 2008. The resolve also authorizes the committee to submit legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.