

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions 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
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**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Business, Research and Economic Development

Committee Amendment "A" (H-694)

This amendment adds an effective date of September 1, 2008 to the bill.

Enacted Law Summary

Public Law 2007, chapter 498 provides for a streamlined, one-step licensing process for advanced practice registered nurses. The law has an effective date of September 1, 2008.

LD 2078 **Resolve, To Determine Methods of Securing a Trained Laboratory Workforce for Maine** **ONTP**

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

This resolve directs the Department of Economic and Community Development, Maine Office of Innovation to administer a working group to study the current shortage of trained qualified laboratory technicians and to report back to the Legislature its findings as to how the educational systems of the State can help to relieve the shortage.

LD 2120 **An Act To Require That Sellers of Scrap Metal Provide Identification** **ONTP**

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

This bill requires sellers of scrap metal to provide written documentation of their identity to junk dealers. It requires a junk dealer to provide payment to a seller of scrap metal in the form of a check for which the dealer maintains a record of the payee, check number and name of the financial institution upon which the check is drawn.

LD 2124 **An Act To Prevent the Theft of Certain Metals** **PUBLIC 549 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-771

The purpose of this bill, which is based on Arkansas law, is to prevent the theft of certain metals. Specifically, this bill:

1. Requires that scrap metal recyclers doing business in the State maintain an accurate and legible record of each scrap metal purchase transaction in excess of 100 pounds or \$50;
2. Requires that a seller of scrap metal provide to the purchaser identification and a signed statement that the seller is the owner or is otherwise authorized to sell the scrap metal;
3. Restricts the sale and purchase of certain items without reasonable, written documentation that the seller is the owner of the scrap metal or is authorized to sell the scrap metal;
4. Provides that, if notice of a known or presumed theft of a product is given to a scrap metal recycler and, within 90 days after the notice, a product meeting the description in the notice is purchased by the scrap metal recycler or offered for sale to the scrap metal recycler, then the scrap metal recycler must notify a law enforcement agent; and

Joint Standing Committee on Business, Research and Economic Development

5. Prohibits the purchase of scrap metal from a minor without consent of the parent or guardian.

Committee Amendment "A" (H-771)

This amendment makes the following changes to the bill:

1. It adds an emergency preamble and emergency clause and strikes the municipal permit requirement.
2. It replaces all references to scrap metal recyclers with scrap metal processors and clarifies the definition of "scrap metal processor."
3. It changes the penalty for violation of this subchapter from a criminal to a civil penalty.
4. It adds platinum to the list of nonferrous metals and changes the record-keeping requirements to allow a scrap metal processor to provide payment to a seller only in the form of a check, and requires that a record be maintained of the payee, check number and name of the financial institution upon which the check is drawn.
5. It changes the record-keeping requirements by removing the birth date and identifying number and requiring only the name, address and gender of the seller, as long as the scrap metal processor requires the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification.
6. It changes the requirements for the purchase and sale of certain scrap metals to require a signed statement from the seller at the time of sale that the property subject to the transaction is not stolen property to the best of the seller's knowledge and that the seller is the owner or is otherwise authorized to sell the scrap metal.
7. It adds catalytic converters to the list of restricted scrap metals that may be sold and changes the definition of "scrap metal" to include stainless steel and recyclable metal products that are intact as well as those that are in bits and pieces and constituent parts.
8. It clarifies that the exemption from the requirements of this bill for beverage containers does not extend to beer kegs and strikes the mandatory law enforcement notification requirement on a scrap metal processor that requires the scrap metal processor to notify law enforcement that nonferrous metal products were purchased by or offered for sale to the scrap metal processor.
9. It strikes the provision that states that records and statements must be made available in any legal proceeding, as the law already provides a process for the discovery of this type of information during legal proceedings.
10. It clarifies that a scrap metal processor may not purchase scrap metal from a minor unless the minor is accompanied by the minor's parent or guardian and the parent or guardian provides a written statement to the scrap metal processor that the transaction is taking place with the parent's or guardian's full knowledge and consent.

Enacted Law Summary

Public Law 2007, chapter 549 establishes the following requirements and restrictions for the purchase and sale of scrap metal:

1. A scrap metal processor doing business in the State must maintain an accurate and legible record of each scrap metal purchase transaction in excess of 100 pounds or \$50, must provide payment to a seller only in the form of a check and a record must be maintained of the payee, check number and name of the financial institution upon which the check is drawn;
2. The record of each scrap metal purchase transaction must contain the name, address and gender of the seller, and

Joint Standing Committee on Business, Research and Economic Development

the processor must require the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification. The record must also include the date and general description of the scrap metal, the weight, quantity or volume of the scrap metal, as well as a signed statement that the seller is the owner or is otherwise authorized to sell the scrap metal;

3. Restricts the sale and purchase of specific types of scrap metal to require a signed statement from the seller at the time of sale that the property subject to the transaction is not stolen property to the best of the seller's knowledge and that the seller is the owner or is otherwise authorized to sell the scrap metal;
4. Prohibits the purchase of scrap metal from a minor unless the minor is accompanied by a parent or guardian and the parent or guardian provides a written statement to the scrap metal processor that the transaction is taking place with the parent's or guardian's full knowledge and consent; and
5. Establishes a civil penalty for violation of this subchapter.

Public Law 2007, chapter 549 was enacted as an emergency measure effective April 3, 2008.

LD 2143 An Act To Require Retailers To Disclose the State's Implied Warranty Laws to Customers

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EATON	ONTP MAJ OTP-AM MIN	

This bill requires sellers of consumer goods who offer service contracts for sale to instruct their employees who deal with buyers of the requirements under the State's implied warranty laws. It also requires the Attorney General to publish a brochure on the State's implied warranty laws and to provide copies at no cost to sellers of consumer goods.

Committee Amendment "A" (H-823)

This amendment is the minority report of the committee. It replaces the requirement of a seller's informing its employees of the State's implied warranty laws with the requirement that, beginning November 1, 2008, a seller of consumer goods who also offers for sale service contracts, with the exception of new and used motor vehicles, post a notice for buyers of consumer goods that summarizes in plain language the consumer's implied warranty rights. It requires the notice to be posted in a prominent location where the consumer goods are sold, in boldface type and in nontechnical language that is understandable by the general public.

The amendment also requires the Attorney General to publish a brochure on the State's implied warranty laws by September 1, 2008 that summarizes in plain language the consumer's implied warranty rights under the State's implied warranty laws, as well as a model notice for sellers of consumer goods to post where consumer goods are sold, and provide both at no cost to sellers of consumer goods in the State.

LD 2159 An Act To Advance the Maine Economy

PUBLIC 644

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-566

This bill creates and provides funding for the Maine Expansion Fund, to be administered by the Department of Economic and Community Development, Office of Innovation. The fund consists of ongoing appropriations and