

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

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STATE OF MAINE

124TH 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 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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

LD 52 An Act To Require Unredeemed Beverage Container Deposits To Be Provided to the State

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L		

Most returnable beverage containers in the State are subject to commingling agreements and, as such, are not currently subject to the provisions that require initiators of the deposits to transfer abandoned deposit amounts to the State. This bill amends current law to capture the abandoned deposit amounts on returnable beverage containers that are subject to commingling agreements and credits 50% of the amount collected from all transfers of abandoned deposit amounts to the Department of Agriculture, Food and Rural Resources to administer the provisions regarding returnable beverage containers. This bill also addresses the same issue historically by requiring an audit to estimate amounts unaccounted for during the last 10 years and requires initiators of deposits to pay the estimates, plus interest, within 60 days of notice from the department. Failure to pay will result in an additional daily fine added to the assessment.

LD 58 Resolve, To Suspend Certain Maine State Housing Authority Rules for Low-income Home Energy Assistance Program Grant Applications

ONTP

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

This emergency resolve directs the Maine State Housing Authority to require, until June 30, 2010, program administrators of the Low-income Home Energy Assistance Program to provide a waiver, whenever reasonable, of the personal interview requirement to shorten the application process for benefits under the Low-income Home Energy Assistance Program.

LD 89 An Act To Amend the Laws Concerning Informal Conferences as Part of the Board of Licensure in Medicine's Disciplinary Proceedings

PUBLIC 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-6

This bill would allow a subcommittee of the Board of Licensure in Medicine to request an informal conference with a licensee when the board finds a complaint warrants further action. Currently, only the full board may request an informal conference. This bill is intended to facilitate complaint resolution and disciplinary proceedings.

Committee Amendment "A" (S-6)

This amendment clarifies that the subcommittee of the Board of Licensure in Medicine is authorized to request and conduct an informal conference with the licensee.

Enacted Law Summary

Joint Standing Committee on Business, Research and Economic Development

Public Law 2009, chapter 28 allows a subcommittee of the Board of Licensure in Medicine to request an informal conference with a licensee when the board finds a complaint warrants further action. Currently, only the full board may request an informal conference and this law is intended to facilitate complaint resolution and disciplinary proceedings.

LD 91 An Act To Fund the Maine Downtown Center Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON GOODALL		H-91

This bill includes ongoing General Fund appropriations of \$75,000 per year to recapitalize the Maine Downtown Center.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Committee Amendment "A" (H-91)

This amendment incorporates a fiscal note.

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 93 An Act To Amend the Laws Governing Construction Contracts ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BRYANT B	ONTP	

This bill requires that any action commenced by a contractor or subcontractor to recover payments pursuant to the terms of the Maine Revised Statutes, Title 10, chapter 201-A for work performed pursuant to a home construction contract under Title 10, chapter 219-A must be brought in the county in this State where the construction is located.

LD 94 An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program PUBLIC 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A RECTOR	OTP-AM	H-20

This bill provides authority for the State Board of Nursing to require an applicant for licensure or a licensee to undergo a physical or mental health examination for purposes of determining fitness to practice nursing. The language is consistent with that found in medical and dental statutes.

The bill also provides for an alternative to a discipline program for nurses with substance abuse history by creating a