

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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STAFF:

NATALIE L. HAYNES, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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.

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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

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nurse health program consistent with those available for other health care providers.

Committee Amendment "A" (H-20)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2009, chapter 47 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. It also provides for an alternative to a discipline program for nurses with substance abuse history by creating a nurse health program consistent with those available for other health care providers.

LD 156 An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession

PUBLIC 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR PERRY J	OTP	

This bill increases the civil penalty for the unlicensed practice of a trade or profession from not less than \$100 and not more than \$2,000 to not less than \$1,000 and not more than \$5,000.

Enacted Law Summary

Public Law 2009, chapter 44 increases the civil penalty for the unlicensed practice of a trade or profession from not less than \$100 and not more than \$2,000 to not less than \$1,000 and not more than \$5,000.

LD 175 An Act To Modify the Maine Seed Capital Tax Credit Program

LEAVE TO
WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	LTW	

This bill modifies the Maine Seed Capital Tax Credit Program administered by the Finance Authority of Maine by changing the requirements for increased credits from businesses located in high unemployment areas to those located in areas of the State classified as Pine Tree Development Zones.