

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2009

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# STATE OF MAINE

124<sup>TH</sup> 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 First Regular Session of the 124<sup>th</sup> 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>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 First Regular Session of the 124<sup>th</sup> 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 267      An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-156

This bill waives the Pine Tree Development Zone unemployment and wage requirements for the Town of Baldwin in Cumberland County in order to allow the town to be eligible for Pine Tree Development Zone benefits.

**Committee Amendment "A" (S-156)**

This amendment incorporates a fiscal note.

**LD 270      An Act To Allow a Gasoline Retailer To Offer Discounts to Customers Who Pay by Cash or Similar Means**

**ONTP**

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

This bill establishes that motor fuel franchise agreements in Maine may not prohibit a retail dealer or distributor from offering a discount to a buyer to induce the buyer to pay by cash, debit card, check or similar means rather than by credit card. The bill also provides that any provision in such a franchise agreement prohibiting a retail dealer or distributor of motor fuels from offering such a discount is void and without effect as contrary to public policy.

**LD 271      An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts**

**PUBLIC 21  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD GOODALL	OTP-AM	H-36

This bill establishes a waiver of certain Pine Tree Development Zone qualification requirements for property that is within a working waterfront that has sustained a 5% loss of employed workers during the 16-month period immediately preceding the time of application, as long as the loss was caused by a catastrophic occurrence. The bill requires that an application for a waiver must be received by August 1, 2011. The bill also states that only a qualified business whose primary purpose is to support the State's working waterfront industry is eligible to receive Pine Tree Development Zone benefits.

**Committee Amendment "A" (H-36)**

This amendment removes that section of the bill that established a waiver of certain requirements and instead adds a provision to allow a qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry that has suffered from a catastrophic occurrence to apply for an adjustment of the base

## *Joint Standing Committee on Business, Research and Economic Development*

level of employment for purposes of determining Pine Tree Development Zone benefits if it meets the following criteria: it is located on a working waterfront in a Pine Tree Development Zone; it has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and it has appropriate infrastructure and zoning or other land use regulations in place. The amendment provides that the definition of "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence. It requires a qualified business to apply for an adjustment of the base level of employment within 16 months of the catastrophic occurrence and any applications under this provision must be received by the Department of Economic and Community Development by August 1, 2011. The amendment also cross-references this definition in the laws governing employment tax increment financing benefits.

### **Enacted Law Summary**

Public Law 2009, chapter 21 allows a qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry that has suffered from a catastrophic occurrence to apply for an adjustment of the base level of employment for purposes of determining Pine Tree Development Zone benefits if it meets the following criteria: it is located on a working waterfront in a Pine Tree Development Zone; it has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and it has appropriate infrastructure and zoning or other land use regulations in place. It provides that the definition of "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence. It requires a qualified business to apply for an adjustment of the base level of employment within 16 months of the catastrophic occurrence and any applications under this provision must be received by the Department of Economic and Community Development by August 1, 2011. The law also cross-references this definition in the laws governing employment tax increment financing benefits.

Public Law 2009, chapter 21 was enacted as an emergency measure effective April 9, 2009.

**LD 272      An Act To License Home Building and Improvement Contractors      Carried Over**

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

This bill creates the Maine Home Contractor Licensing Act. The bill contains provisions concerning: requirements for licensure of general contractors and persons who perform framing, roofing, siding, insulating, window work or chimney work, if the work concerns residential dwellings; certain specific exemptions from licensure; required qualifications for general and specialty licenses; requirements for criminal and financial disclosures; creation of the Maine Home Contractor Licensing Board; and fees for licensing.

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

**LD 281      An Act To Amend the Licensing Requirements for Speech-language Pathology Assistants      ONTP**

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