

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
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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 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

The council would:

1. Have the power to compel staffing from any state agency;
2. Have the authority to compel a state agency to cooperate with the council in developing a new regulatory regime for State Government;
3. Develop a new approach to regulation of private sector businesses based on broad principles rather than specific rules and regulations; and
4. Report its findings and recommendations for the implementation of principle-based regulation to the Legislature by December 1, 2009.

Committee Amendment "A" (S-269)

This amendment is the minority report of the committee and replaces the bill. It establishes the Small Business Regulatory Advocate in order to assist small businesses in resolving problems with state agencies and business owners that face hardship as a result of actions taken by a regulatory agency. It also requires that the advocate must be an individual from the Executive Department, State Planning Office who provides technical assistance to the Maine Regulatory Fairness Board. It further requires the advocate to identify areas in which small businesses have problems in dealings with state agencies, propose changes in the administrative practices of state agencies to mitigate those identified problems and identify potential legislative changes that may be appropriate to mitigate such problems. The amendment also adds an appropriations and allocations section.

LD 355 An Act To Protect Residential Consumers of Home Heating Fuel Carried Over

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

This bill amends the statutory requirements for price protection and prepaid home heating oil, kerosene, liquefied petroleum gas and natural gas contracts to require these contracts to include a conspicuous cancellation clause in no less than 12-point boldface type of uniform font that clearly states the terms and conditions by which a consumer may be released from the obligations of the contract, including any fees, penalties, notice provisions and deadlines that may apply.

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

LD 366 An Act To Protect Confidential Consumer Records in Self-service Storage Facilities ONTP

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

This bill requires self-service storage facilities to register with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. As part of this registration, self-service storage facilities must

Joint Standing Committee on Business, Research and Economic Development

give identifying information and submit a personal records disposal plan subject to the Bureau of Consumer Credit Protection's approval. Self-service storage facilities may not dispose of property left by an occupant in any manner that does not comply with their personal records disposal plan. Self-service storage facilities are required to notify the bureau and follow the security breach notification laws if there is a security breach or if personal records are otherwise unintentionally released to the public. This bill gives the Bureau of Consumer Credit Protection administrative authority over self-service storage facilities.

LD 370 An Act To Allow Mixed Martial Arts Competitions in Maine

ONTP

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

This bill allows mixed martial arts matches, competitions and exhibitions to be held in Maine.

LD 397 An Act To Amend the Laws Governing Bottle Redemption

PUBLIC 405

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM A OTP-AM B ONTP C	H-564 HUNT S-270

This bill increases the handling fee for beverage containers by one cent to at least 4 1/2¢ for containers picked up on or after October 1, 2009. This bill also provides that, effective September 1, 2010, the Department of Agriculture, Food and Rural Resources is established as the agent of the State for purposes of administering the laws governing manufacturers, distributors and dealers of beverage containers and will be responsible for initiating all deposits on beverage containers sold or offered for sale in this State, as well as the reimbursement of costs associated with handling beverage containers. This bill directs the Department of Agriculture, Food and Rural Resources to submit draft legislation to implement this provision to the Joint Standing Committee on Business, Research and Economic Development by December 1, 2009. It also authorizes the joint standing committee to submit legislation to accomplish the objectives of this provision to the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (S-270)

This amendment is the majority report of the committee. It provides an exception for reverse vending machines from the 1¢ increase of the handling fee for beverage containers proposed in the bill. It also removes the provision of bill that would have established the Department of Agriculture, Food and Rural Resources as the agent of the State for purposes of bottle redemption.

Committee Amendment "B" (S-271)

This amendment is the minority report of the committee. It increases the handling fee for beverage containers by 1/2¢, instead of 1¢ as proposed in the bill. It also removes the provision of the bill that would have established the Department of Agriculture, Food and Rural Resources as the agent of the State for purposes of bottle redemption.

Senate Amendment "A" To Committee Amendment "B" (S-281)