

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

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)

Joint Standing Committee on Business, Research and Economic Development

This amendment makes the following changes to the beverage container laws:

1. It raises the handling fee on beverage containers to 4¢ for containers picked up on or after March 1, 2010;
2. It limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain other licensed entities or certain reverse vending machines and may be waived if the applicant shows a compelling need;
3. It requires any person who tenders more than 2,500 beverage containers for redemption at any dealer or redemption center to provide a name, address and license plate number and requires that the information be forwarded to the Department of Agriculture, Food and Rural Resources and kept on file for a minimum of one year;
4. It clarifies that the redemption center is responsible for the plastic bags used for the return of beverage containers and that the bags must be of a specific size and thickness, to be determined by rule by the department;
5. Current law provides for the redemption of beverage containers that contain 4 liters or less of a beverage. This amendment changes that amount to 2 liters or less;
6. It requires that, in adopting rules for licensing redemption centers, the department consider the proximity of the proposed redemption center to existing redemption centers, the potential impact that the location of the proposed redemption center may have on an existing redemption center, the owner's record of compliance and the hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center; and
7. It requires the department to notify applicants denied a license for a redemption center of the reasons for the denial and provides a procedure for appeal.

House Amendment "C" To Committee Amendment "A" (H-564)

This amendment makes the following changes to the beverage container laws:

1. It raises the handling fee on beverage containers to 4¢ for containers picked up on or after March 1, 2010;
2. It limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain other licensed entities or certain reverse vending machines and may be waived if the applicant shows a compelling need;
3. It requires any person who tenders more than 2,500 beverage containers for redemption at any dealer or redemption center to provide a name, address and license plate number and requires that the information be forwarded to the Department of Agriculture, Food and Rural Resources and kept on file for a minimum of one year;
4. It clarifies that the redemption center is responsible for the plastic bags used for the return of beverage containers and authorizes the department to adopt rules regarding the cost allocation, size and gauge of the bags;
5. It requires that, in adopting rules for licensing redemption centers, the department consider the proximity of the proposed redemption center to existing redemption centers, the potential impact that the location of the proposed redemption center may have on an existing redemption center, the owner's record of compliance and the hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center; and
6. It requires the department to notify applicants denied a license for a redemption center of the reasons for the denial and provides a procedure for appeal.

Enacted Law Summary

Joint Standing Committee on Business, Research and Economic Development

Public Law 2009, chapter 405 makes the following changes to the beverage container laws:

1. It raises the handling fee on beverage containers to 4¢ for containers picked up on or after March 1, 2010;
2. It limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain other licensed entities or certain reverse vending machines and may be waived if the applicant shows a compelling need;
3. It requires any person who tenders more than 2,500 beverage containers for redemption at any dealer or redemption center to provide a name, address and license plate number and requires that the information be forwarded to the Department of Agriculture, Food and Rural Resources and kept on file for a minimum of one year;
4. It clarifies that the redemption center is responsible for the plastic bags used for the return of beverage containers and authorizes the department to adopt rules regarding the cost allocation, size and gauge of the bags;
5. It requires that, in adopting rules for licensing redemption centers, the department consider the proximity of the proposed redemption center to existing redemption centers, the potential impact that the location of the proposed redemption center may have on an existing redemption center, the owner's record of compliance and the hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center; and
6. It requires the department to notify applicants denied a license for a redemption center of the reasons for the denial and provides a procedure for appeal.

LD 411 An Act To Increase the Redemption Fee on Sorting and Handling

ONTP

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

This bill increases the reimbursement to dealers or local redemption centers from 3¢ and 3 1/2¢ to 5¢ per returned container.

LD 419 Resolve, To Increase Access to Dental Care in Rural Areas through Encouraging Distance Learning for Dental Hygienist Training

ONTP

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

This resolve requires the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Dental Examiners to establish a new dental hygienist licensing category that will accept alternative educational instruction programs, including qualified distance learning programs, instructional television networks and nontraditional clinical instructors, with the goal of providing students in distant locations across the State access to the training required to be a licensed dental hygienist. The Board of Dental Examiners is required to establish the qualifications and scope of practice for this new licensing category, which must include 2 years of experience as a dental assistant as well as sponsorship from a licensed Maine dentist. This resolve also requires the Board of Dental