

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

4. It exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code;
5. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review the report for accuracy;
6. It changes the date that the Technical Building Codes and Standards Board is required to adopt the Maine Uniform Building and Energy Code from January 1, 2010 to no later than June 1, 2010 and similarly extends the date that building construction and renovation projects may utilize either the Maine Uniform Building and Energy Code or existing building and energy codes adopted by any political subdivision of the State from between January 1, 2010 and July 1, 2010 to between June 1, 2010 and December 1, 2010;
7. It changes the Technical Building Codes and Standards Board annual reporting date from December 31st each year to January 31st each year, beginning in 2011, which requires the board to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards, proposals to improve the efficiency and effectiveness of those codes and standards and alternative methods of funding for the board to create an equitable source of revenue;
8. It requires the Technical Building Codes and Standards Board to review issues regarding 3rd-party inspectors and inspections, including, but not limited to, tort claims protection, and make any recommendations for changes to the law, including any necessary implementing legislation, to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2010; and
9. It also provides the Department of Professional and Financial Regulation with an extension until December 1, 2010 to provide the report that is required pursuant to Resolve 2007, chapter 219 on the issue of residential contractor licensing.

Part B resolves errors and potential conflicts created by enactment of Public Law 2007, chapter 699, which through a revision clause attempted to change references to the position of inspector of buildings to the position of building official. In some instances a direct replacement by revision clause was impossible because the terminology to be changed was not exactly the same as that specified in the revision clause. In some instances where substantive changes were made in the public law in a section having a postponed effective date, changing the terminology by revision clause would have created a future conflict. This Part also incorporates changes contained in Part A.

LD 673 An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States

PUBLIC 53

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

This bill helps ensure that a Maine consumer who purchases a vehicle that had been returned to the manufacturer pursuant to another state's lemon law is notified of this fact if that information is known to the dealer before the consumer decides to purchase the motor vehicle.

Enacted Law Summary

Public Law 2009, chapter 53 helps to ensure that a Maine consumer who purchases a vehicle that had been returned

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to the manufacturer pursuant to another state's lemon law is notified of this fact if that information is known to the dealer before the consumer decides to purchase the motor vehicle.

**LD 683 An Act To Promote Cost-effective and Broad-based Vision Care for
Maine Citizens by Clarifying the Scope of Prescription Authority by an
Optometrist**

PUBLIC 195

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-147

This bill amends several provisions of the laws governing optometrists to clarify the scope of prescription authority, particularly regarding the sale and dispensing of therapeutic lenses. It also clarifies rule-making authority of the State Board of Optometry and the use of therapeutic drugs.

Committee Amendment "A" (S-147)

This amendment replaces the bill and clarifies that optometrists may not administer therapeutic drugs by injection, other than for emergency treatment of anaphylaxis, provides optometrists with the authority to dispense or sell contact lenses that contain and deliver pharmaceutical agents that are authorized under the Maine Revised Statutes, Title 32, chapter 34-A, removes restrictions on prescribing certain oral therapeutic drugs and provides an optometrist with an advanced therapeutic license the authority to use and prescribe any therapeutic pharmaceutical agent, including any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases, except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received an advanced therapeutic license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812. The amendment also provides the standards pursuant to which optometrists are authorized to independently treat glaucoma.

Enacted Law Summary

Public Law 2009, chapter 195 amends several provisions of the laws governing optometrists to clarify that optometrists may not administer therapeutic drugs by injection, other than for emergency treatment of anaphylaxis, provides optometrists with the authority to dispense or sell contact lenses that contain and deliver pharmaceutical agents that are authorized under the Maine Revised Statutes, Title 32, chapter 34-A, removes restrictions on prescribing certain oral therapeutic drugs and provides an optometrist with an advanced therapeutic license the authority to use and prescribe any therapeutic pharmaceutical agent, including any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases, except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received an advanced therapeutic license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812. The law also provides the standards pursuant to which optometrists are authorized to independently treat glaucoma.