

# 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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**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

124<sup>TH</sup> 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 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:

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 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*

This bill raises the refund value on nonrefillable beverage containers by 5¢ and directs the State Tax Assessor to apply the increase in revenue from unclaimed deposits as a result of this bill toward the cost of the total allocation for kindergarten to grade 12 education.

**LD 1054     An Act To Promote Economic Development in the Greater Portland Region**

**P & S 23**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE DAVIS G	OTP-AM	H-378

This bill modifies the charter of the Greater Portland Public Development Commission by allowing it to conduct its regular business and transfer its funds and its assets to a nonprofit corporation that has the same mission as the commission and to add the municipalities of Westbrook, Falmouth, Cape Elizabeth and Scarborough to the geographic area served by the commission.

**Committee Amendment "A" (H-378)**

This amendment strikes the provisions in the bill that proposed to transfer the funds and assets of the Greater Portland Public Development Commission and updates its charter by replacing outdated property management powers with the power to provide and administer loans and grants to businesses and nonprofits for purposes of stimulating economic growth and revitalization efforts and fostering coordination between economic development entities within the confines of Portland, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough. It also requires the commission to submit an annual report summarizing its complete activities for the prior year, an accounting of its receipts, expenditures, assets and liabilities and a statement of its proposed activities for the coming year to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

**Enacted Law Summary**

Private and Special Law 2009, chapter 23 amends the charter of the Greater Portland Public Development Commission by replacing outdated property management powers with the power to provide and administer loans and grants to businesses and nonprofits for purposes of stimulating economic growth and revitalization efforts and fostering coordination between economic development entities within the confines of Portland, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough. The law requires the commission to submit an annual report summarizing its complete activities for the prior year, an accounting of its receipts, expenditures, assets and liabilities and a statement of its proposed activities for the coming year to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

**LD 1062     Resolve, To Assist Artists, Art Galleries and Art Dealers**

**RESOLVE 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-160

This bill clarifies the relationship between an artist and an art gallery, including the financial responsibilities of the artist and the art gallery.

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

**Committee Amendment "A" (S-160)**

This resolve replaces the bill. It directs the Department of the Attorney General to develop a voluntary model standard art consignment contract to assist artists, art galleries and art dealers that must be posted on its publicly accessible website by January 15, 2010. It requires the Department of the Attorney General to report to the Joint Standing Committee on Business, Research and Economic Development on the development of the model contract by February 1, 2010.

**Enacted Law Summary**

Resolve 2009, chapter 92 directs the Department of the Attorney General to develop a voluntary model standard art consignment contract to assist artists, art galleries and art dealers that must be posted on its publicly accessible website by January 15, 2010. It requires the Department of the Attorney General to report to the Joint Standing Committee on Business, Research and Economic Development on the development of the model contract by February 1, 2010.

**LD 1085     An Act Concerning Dispute Resolution in Home Construction Contracts**

**PUBLIC 173**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-107

This bill amends the home construction contract laws to clarify what steps may be taken to resolve a dispute between the parties in the contract.

**Committee Amendment "A" (S-107)**

This amendment replaces the bill. It changes the home construction contract laws to notify the parties of the option of resolving any smaller disputes in small claims court prior to engaging in mediation or arbitration.

**Enacted Law Summary**

Public Law 2009, chapter 173 changes the home construction contract laws to notify the parties of the option of resolving any smaller disputes in small claims court prior to engaging in mediation or arbitration.

**LD 1089     An Act To Regulate Mixed Martial Arts Competitions, Exhibitions and Events**

**PUBLIC 352**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON MARRACHE	OTP-AM MAJ ONTP MIN	H-493

This bill allows a mixed martial arts competition, exhibition or event to be held in the State as long as a license is issued by the Department of Professional and Financial Regulation. It requires the department to supervise and oversee mixed martial arts competitions, exhibitions or events held within the State in a manner that promotes mixed martial arts while protecting the public interest. The bill requires the Commissioner of Professional and Financial Regulation to select members of the mixed martial arts community to serve on an advisory council and to consult with the commissioner concerning the regulation of mixed martial arts. It requires these events to be held in accordance with the rules adopted by the department.