

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

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

Sponsor(s)

MILLS P

Committee Report

OTP-AM

Amendments Adopted

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

Sponsor(s)

PETERSON
MARRACHE

Committee Report

OTP-AM MAJ
ONTP MIN

Amendments Adopted

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.

Joint Standing Committee on Business, Research and Economic Development

Committee Amendment "A" (H-493)

This amendment is the majority report of the committee and it replaces the bill. It establishes the Mixed Martial Arts Authority of Maine as a body corporate and politic and a public instrumentality of the State to regulate and promote mixed martial arts competitions, exhibitions and events in the State and removes any criminal prohibition for any such event authorized by the authority. It provides that the authority is governed and its powers exercised by a board of directors that consists of 5 voting members appointed by the Governor. It establishes the Mixed Martial Arts Reserve Fund and allows the board to receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise and allows the authority to apply for, solicit and receive grants, donations and gifts and to receive appropriations from the State and funds from other governmental authorities. It requires that all funds received must be spent solely to assist with operational expenses. It requires the State Controller at the close of each fiscal year to transfer from the fund any revenue in excess of operating expenses to the General Fund.

It also requires the authority to adopt rules no later than March 1, 2010 to protect the health and safety of participants and the integrity of competition, as well as to set the fee schedules for all authorized participants. The rules must include rules of competition, weighing of participants, scoring of decisions, length of contests and rounds, availability of medical services, age limits, weight limits and classification of participants, physical condition of participants, qualifications of referees and other authorized participants, uniforms, attire, safety gear and equipment of participants, referees and other officials, specifications of facilities and equipment and requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants.

It requires a promoter of a mixed martial arts competition, exhibition or event to pay a fee set by the authority in advance of the mixed martial arts competition, exhibition or event. In the event a promoter fails to pay the required fee, the promoter is prohibited from promoting this competition and any further competitions, exhibitions or events until the fees and any penalties are paid in full or satisfactory arrangements are made with the authority.

It requires the authority to submit an annual report by March 15th of each year beginning in 2010 on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, including an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan.

This amendment also allows a mixed martial arts competition, exhibition or event to be held in the State effective March 1, 2010, as long as the authority has adopted the rules required by this chapter. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 352 establishes the Mixed Martial Arts Authority of Maine as a body corporate and politic and a public instrumentality of the State to regulate and promote mixed martial arts competitions, exhibitions and events in the State and removes the current criminal prohibition against these events, provided they are authorized by the authority. The law provides that the authority is governed and its powers exercised by a board of directors that consists of 5 voting members appointed by the Governor.

The law establishes the Mixed Martial Arts Reserve Fund and allows the board to receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise and allows the authority to apply for, solicit and receive grants, donations and gifts and to receive appropriations from the State and funds from other governmental authorities. It requires that all funds received must be spent solely to assist with operational expenses. It also requires the State Controller at the close of each fiscal year to transfer from the fund any revenue in excess of operating expenses to the General Fund.

The law requires the authority to adopt rules no later than March 1, 2010 to protect the health and safety of participants and the integrity of competition, as well as to set the fee schedules for all authorized participants. The rules must include rules of competition, weighing of participants, scoring of decisions, length of contests and rounds, availability of medical services, age limits, weight limits and classification of participants, physical condition of

Joint Standing Committee on Business, Research and Economic Development

participants, qualifications of referees and other authorized participants, uniforms, attire, safety gear and equipment of participants, referees and other officials, specifications of facilities and equipment and requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants.

The law requires a promoter of a mixed martial arts competition, exhibition or event to pay a fee set by the authority in advance of the mixed martial arts competition, exhibition or event. In the event a promoter fails to pay the required fee, the promoter is prohibited from promoting this competition and any further competitions, exhibitions or events until the fees and any penalties are paid in full or satisfactory arrangements are made with the authority.

The authority must submit an annual report by March 15th of each year beginning in 2010 on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, including an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan.

The law also allows a mixed martial arts competition, exhibition or event to be held in the State effective March 1, 2010, as long as the authority has adopted the rules required by this chapter.

LD 1137 An Act To Limit the Interest Charged under Rental-purchase Agreements

ONTP

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

This bill limits the amount of interest that can be charged on a rental-purchase agreement to 25% of the cash price of the property over the lifetime of the agreement and provides that the agreement terminates and the consumer owns the property once payments made by the consumer equal 125% of the cash price of the property.

LD 1183 An Act To Prevent Predatory Marketing Practices against Minors

PUBLIC 230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-161

This bill addresses the current practices of persons using the Internet and other wireless communications devices, with or without promotional incentives, to acquire health-related information about minors and then using that information unscrupulously. Under this bill, it is unlawful to solicit or collect health-related information about a minor who is not emancipated without the express written consent of the minor's parent or guardian, to transfer any health-related information that identifies a minor or to use any of that information to market a product or service to a minor regardless of whether or not the information was lawfully obtained. Unlawful marketing includes promoting a course of action relating to a product. The bill provides 3 potential remedies for a violation: relief as an unfair trade practice, a private right of action and a civil violation with substantial monetary fines.

Committee Amendment "A" (S-161)

This amendment changes the title of the bill. It adds new definitions for "person," "personal information," "marketing purposes" and "verifiable parental consent," removes the definition for "collect" and prohibits the knowing collection of both health-related and personal information from minors. It also removes the requirement for