

# 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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# 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*

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

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

the Attorney General to establish procedures for complaints and instead allows the Attorney General to establish these procedures. It amends the provision that unlawful collection constitutes the collection of personal information obtained via the Internet or any wireless communications device to more broadly encompass the collection of this information by any method. It changes the penalty provision to clarify that, notwithstanding the provisions of the Maine Unfair Trade Practices Act, each violation constitutes a civil violation for which a fine may be assessed of no less than \$10,000 and no more than \$20,000 for a first violation and no less than \$20,000 for a 2nd violation or any subsequent violation. It also provides that, if the Attorney General finds evidence of a violation of the federal Children's Online Privacy Protection Act of 1998, it may bring a civil action pursuant to 15 United States Code, Section 6504.

### **Enacted Law Summary**

Public Law 2009, chapter 230 prohibits the knowing collection or sale of both health-related or personal information for marketing purposes from a minor without first obtaining verifiable parental consent. It also prohibits predatory marketing against minors. The law establishes 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. The law also provides that, if the Attorney General finds evidence of a violation of the federal Children's Online Privacy Protection Act of 1998, it may bring a civil action pursuant to 15 United States Code, Section 6504.

**LD 1186      Resolve, To Facilitate the Creation and Expansion of an Identified Business Sector**

**RESOLVE 62**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SCHNEIDER         | OTP-AM                  | S-101                     |

This resolve requires the Department of Economic and Community Development to identify 3 business sectors and convene a working group of representatives of those sectors to identify barriers in the development or expansion of those sectors and solutions for the removal of those barriers.

### **Committee Amendment "A" (S-101)**

This amendment reduces from 3 to one the business sectors in the resolve that the Department of Economic and Community Development is required to identify in order to convene the working group.

### **Enacted Law Summary**

Resolve 2009, chapter 62 requires the Department of Economic and Community Development to identify 1 business sector and convene a working group of representatives of that sector to identify barriers in the development or expansion of this sector and solutions for the removal of those barriers.

**LD 1193      Resolve, To Establish Uniform Protocols for the Use of Controlled Substances**

**RESOLVE 56**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MILLS P           | OTP-AM                  | S-108                     |

This bill creates the Joint Practice Council on Controlled Substances under the Board of Licensure in Medicine to develop and administer protocols for the use and administration of controlled substances, including requiring an