

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.

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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

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opioid or narcotic drug to be prescribed in certain circumstances by a health care practitioner with specialized expertise and training, requiring that a patient's opioid or narcotic drug be prescribed by only one prescriber at a time, prohibiting a controlled substance from being dispensed by mail and allowing a patient to obtain a controlled substance at only one pharmacy.

Committee Amendment "A" (S-108)

This amendment replaces the bill with a resolve that directs the Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances for adoption by all licensed prescribers by February 1, 2010. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the resolve to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 56 directs the Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances for adoption by all licensed prescribers by February 1, 2010. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the resolve to the Second Regular Session of the 124th Legislature.

LD 1196 An Act To Ensure Royalties to Visual Artists

**LEAVE TO
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	LTW	

This bill requires that an artist receive a minimum 5% royalty on the resale of a work of fine art sold for more than \$1,000. It guarantees the right to attempt to pursue damages for the failure to pay royalties. This bill also establishes the Maine Arts Commission Visual Artists Fund for the purpose of holding royalties owed to artists that have not received those royalties yet.

LD 1223 An Act To Allow Pharmacists To Administer Certain Immunizations

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN RAYE	OTP-AM	H-473

This bill allows a pharmacist to administer drugs and immunizations. The Department of Professional and Financial Regulation, Maine Board of Pharmacy shall adopt routine technical rules to implement this bill.

Committee Amendment "A" (H-473)

This amendment allows a pharmacist to administer certain drugs and immunizations, including the influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine with certain restrictions. It allows a licensed pharmacist to administer all forms of influenza vaccines to a person 9 years of age or older without a prescription. It also allows a licensed pharmacist to administer the pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine to a person with a valid prescription when the