

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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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

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

independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license certain mechanical trades. It requires that no later than February 15, 2010 the Commissioner of Professional and Financial Regulation must submit a report with any necessary legislation following the sunrise review to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 124th Legislature.

LD 1257 An Act To Require Legislative Consultation and Approval Prior to Committing the State to Binding International Trade Agreements

PUBLIC 385

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BRYANT B	OTP-AM	H-457

The purpose of this bill is to prohibit any official of the State, including the Governor, from binding the State to a trade agreement to which the State is invited to be a party by the United States Government without the express consent of the Legislature through the enactment of a law authorizing an official of the State to enter into that trade agreement.

Committee Amendment "A" (H-457)

This amendment broadens the definition of "trade agreement" and clarifies that the legislative approval of trade agreements may occur only when the United States Government provides the State with the opportunity to consent to or reject binding the State to a trade agreement or a provision within a trade agreement. It also requires the Governor to provide the Maine International Trade Center with a copy of any communication concerning a trade agreement provision when it is received by the State, and it adds the requirement that the Citizen Trade Policy Commission consult with the Maine International Trade Center when it reviews and analyzes trade agreements.

Enacted Law Summary

Public Law 2009, chapter 385 prohibits any official of the State, including the Governor, from binding the State to a trade agreement to which the State is invited to be a party by the United States Government without the express consent of the Legislature through the enactment of a law authorizing an official of the State to enter into that trade agreement. The law requires legislative approval of trade agreements only when the United States Government provides the State with the opportunity to consent to or reject binding the State to a trade agreement or a provision within a trade agreement. The law requires the Governor to provide the Maine International Trade Center with a copy of any communication concerning a trade agreement provision when it is received by the State, and requires the Citizen Trade Policy Commission to consult with the Maine International Trade Center when it reviews and analyzes trade agreements.

LD 1320 An Act To Ensure the Availability of Alcohol-free Motor Fuels

Carried Over

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

This bill requires a retail dealer of gasoline and a distributor of gasoline to offer for sale or use nonethanol-blended unleaded premium grade gasoline.

Joint Standing Committee on Business, Research and Economic Development

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 1337 An Act To Protect Maine Citizens and Franchised New Motor Vehicle Dealers

PUBLIC 367
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-262

This bill provides protections to franchised new motor vehicle dealers against losses caused by unreasonable terminations by manufacturers.

Committee Amendment "A" (S-262)

This amendment makes the following changes to the bill:

1. It removes provisions in the emergency preamble that reference manufacturers' conduct;
2. It removes the reference to motor vehicles that are substantially similar in design and specifications and manufactured in the same facility from the definition of "line make" and instead amends the provision of law that prohibits interference in a dealer's business to require that, if an entity other than the original manufacturer of a line make becomes the manufacturer for the line make and intends to distribute motor vehicles of that line make in this State, that entity must honor the franchise agreements of the original manufacturer and its licensed new motor vehicle dealers or offer those dealers of that same line make, or of motor vehicles historically of that line make that are substantially similar in their design and specifications and are manufactured in the same facility or facilities, a new franchise agreement with substantially similar terms and conditions;
3. It provides that modifications to dealership facilities as a condition of renewal are precluded when unreasonable;
4. It provides that termination benefits are precluded if the new motor vehicle dealership stock or assets are otherwise sold;
5. It provides that supplies and parts payments in the event of a termination, cancellation, noncontinuance or nonrenewal are limited to parts in the current parts catalog or parts used in relation to new motor vehicle warranty repairs; equipment and furnishings and special tools payments, which are subject to a reasonable allowance for wear and tear; and special tools and automotive service equipment owned by the dealer that were designated as special tools or equipment and required by and purchased from the manufacturer or its approved sources, if the tools and equipment are in useable and good condition, normal wear and tear excepted;
6. It provides for rental assistance for a term of one year for dealership facilities in all termination, cancellation, noncontinuance and nonrenewal cases, except for those cases when the dealer is convicted and imprisoned for a felony involving moral turpitude that is substantially related to the qualifications, functions or duties of the franchisee;
7. It makes technical changes to include the term "noncontinuance;"
8. It provides that rental assistance is subject to a requirement by the dealer to list the dealership facilities with a real estate agent except in those instances when the facilities are used for more than one franchise; and
9. It removes all provisions proposing to allow pecuniary loss as a measure of the value of a franchise and