

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
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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

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

Joint Standing Committee on Business, Research and Economic Development

provisions relating to factory finance terms.

Enacted Law Summary

Public Law 2009, chapter 367 provides protections to franchised new motor vehicle dealers against losses caused by unreasonable terminations by manufacturers.

Public Law 2009, chapter 367 was enacted as an emergency measure effective June 11, 2009.

LD 1372 An Act To Simplify Maine's Accountancy Laws

PUBLIC 242

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-307

Current law requires a 2-step process for the licensure of certified public accountants. An applicant who qualifies for licensure first applies for and is issued a certificate. The certificate does not authorize the holder to practice. The certificate holder then files a 2nd application for a permit to practice, which is the actual license. This bill streamlines the licensing process by compacting the certificate phase and permit phase into one application for licensure. Certificates will no longer be issued.

The Board of Accountancy licenses certified public accountants, public accountants and accounting firms. Applicants for the certified public accountant or public accountant credential must pass the same examination, but the education and experience requirements are more rigorous for certified public accountants. Currently, the board licenses 2,056 certified public accountants and 12 public accountants. New public accountants have not been licensed since 1992. This bill eliminates the public accountant license category prospectively. Current public accountants will be able to renew indefinitely.

This bill removes specific hour requirements of continuing professional education requirements for accountants and instead authorizes the board to establish by rule the number of hours required for renewal.

Committee Amendment "A" (H-307)

This amendment allows a certified public accountant licensed in another state to be licensed in Maine if that person meets certain requirements or can provide verification that the person's qualifications are substantially equivalent to specified licensure requirements. This amendment also provides that the continuing education requirements established by the Board of Accountancy required for license renewal must be no more than 40 hours and no less than 20 hours annually.

Enacted Law Summary

Public Law 2009, chapter 242 streamlines the licensing process by compacting the certificate phase and permit phase for certified public accountants into one application for licensure. Certificates will no longer be issued. The Board of Accountancy licenses certified public accountants, public accountants and accounting firms. Applicants for the certified public accountant or public accountant credential must pass the same examination, but the education and experience requirements are more rigorous for certified public accountants. The law eliminates the public accountant license category prospectively. Current public accountants will be able to renew indefinitely.

The law also removes specific hour requirements of continuing professional education requirements for accountants and instead authorizes the board to establish by rule the number of hours required for renewal, which must be no more than 40 hours and no less than 20 hours annually. The law allows a certified public accountant licensed in another state to be licensed in Maine if that person meets certain requirements or can provide verification that the