

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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

**MEMBERS:**

SEN. ELIZABETH M. SCHNEIDER, CHAIR  
SEN. NANCY B. SULLIVAN  
SEN. CHRISTOPHER W. RECTOR

REP. NANCY E. SMITH, CHAIR  
REP. RICHARD C. CLEARY  
REP. W. BRUCE MACDONALD  
REP. THOMAS J. WRIGHT  
REP. JOAN F. COHEN  
REP. ROBERT B. HUNT  
REP. JAMES R. MARTIN  
REP. JAYNE CROSBY GILES  
REP. SUSAN M.W. AUSTIN  
REP. KERRI L. PRESCOTT

**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

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

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

# Joint Standing Committee on Business, Research and Economic Development

person's qualifications are substantially equivalent to specified licensure requirements.

LD 1388 An Act Regarding the Licensing Fees for Certain Professional Programs

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-171

This bill adjusts the fee cap for 4 licensing programs within the Department of Professional and Financial Regulation.

Part A restores the fee cap for licenses issued by the Manufactured Housing Board from \$200 biennially to \$200 annually to correct a drafting error in Public Law 2007, chapter 402; increases the park fees from a \$40 base fee and up to \$4 per mobile home site to a \$60 base fee and up to \$6 per mobile home site; and authorizes an assessment for the actual cost of inspections of manufactured housing.

Part B changes the fee cap for chiropractor licenses from \$300 biennially to \$250 annually.

Part C increases the fee cap for plumber licenses from \$200 to \$350 biennially.

Part D changes the fee cap for real estate appraiser licenses from \$450 biennially to \$450 annually.

## Committee Amendment "A" (S-171)

This amendment amends the section of law governing continuing education requirements for licensure renewal for real estate appraisers to reflect the requirement that the professional appraisal practice update course be completed in the even-numbered year as part of license renewal. It also removes the authorization for the board to establish by rule a core education requirement.

## Enacted Law Summary

Public Law 2009, chapter 241 adjusts the fee cap for 4 licensing programs within the Department of Professional and Financial Regulation.

Part A restores the fee cap for licenses issued by the Manufactured Housing Board from \$200 biennially to \$200 annually to correct a drafting error in Public Law 2007, chapter 402; increases the park fees from a \$40 base fee and up to \$4 per mobile home site to a \$60 base fee and up to \$6 per mobile home site; and authorizes an assessment for the actual cost of inspections of manufactured housing.

Part B changes the fee cap for chiropractor licenses from \$300 biennially to \$250 annually.

Part C increases the fee cap for plumber licenses from \$200 to \$350 biennially.

Part D changes the fee cap for real estate appraiser licenses from \$450 biennially to \$450 annually. It amends the section of law governing continuing education requirements for licensure renewal for real estate appraisers to reflect the requirement that the professional appraisal practice update course be completed in the even-numbered year as part of license renewal. It also removes the authorization for the board to establish by rule a core education requirement.