

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
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT**

April 2010

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

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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

Beginning January 1, 2013, the board will authorize persons to practice residential building by issuing a license to residential builders and a registration certificate to residential specialty contractors. It establishes the requirements for licensure as a residential builder and for registration as a residential specialty contractor and includes certain specific exemptions from licensure and registration. The amendment also provides for staggered initial appointments to the board and requires that all members be appointed to the board no later than May 1, 2011. The board is required to convene its first meeting no later than July 15, 2011.

LD 355 An Act To Protect Residential Consumers of Home Heating Fuel ONTP

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

This bill was carried over from the First Regular Session of the 124th Legislature pursuant to Joint Order H.P. 1053. This bill amends the statutory requirements for price protection and prepaid home heating oil, kerosene, liquefied petroleum gas and natural gas contracts to require these contracts to include a conspicuous cancellation clause in no less than 12-point boldface type of uniform font that clearly states the terms and conditions by which a consumer may be released from the obligations of the contract, including any fees, penalties, notice provisions and deadlines that may apply.

LD 696 Resolve, To Reclaim Past Unredeemed Beverage Container Deposits ACCEPTED ONTP REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L PERRY J	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 124th Legislature pursuant to Joint Order H.P. 1053. This resolve seeks to recapture unredeemed or abandoned deposits from beverage containers subject to commingling agreements. Specifically, the resolves requires the Office of Program Evaluation and Government Accountability to conduct an audit to estimate deposit amounts unaccounted for during the last 15 years and requires initiators of deposits to pay the estimates, plus interest, within 60 days of notice from the department. Failure to pay will result in a daily fine added to the assessment.

Committee Amendment "A" (H-599)

This amendment is the minority report of the committee. This amendment incorporates a fiscal note.

LD 1389 An Act To Create Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine PUBLIC 483

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ ONTP MIN	S-353

Joint Standing Committee on Business, Research and Economic Development

This bill was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053.

Part A establishes the Maine Quality of Place Council to act as a coordinating body for state and regional quality of place investment strategies. The council consists of state and regional public agency representatives and private citizens. Its responsibilities include working with other state agencies to recommend how state agencies may align their laws, programs and funding with a state quality of place investment strategy to support regional efforts and assessing how regional quality of place investment strategies align with state efforts. The council will also create performance measures to assess state and regional quality of place investment strategies. It will also award annually Maine Quality of Place Prosperity Awards recognizing the preservation, enhancing and marketing of Maine's quality of place assets to stimulate job creation and economic prosperity.

Part A also provides definitions for both state and regional quality of place investment strategies. It establishes a fund for implementing regional quality of place investment strategies. The fund will consist of any bond proceeds and any public and private contributions received for its purpose. This Part also requires applications for other state program funds to receive preference points if they are submitted as part of a regional quality of place investment strategy.

Part B requires regional planning and development districts that have in place a United States Department of Commerce, Economic Development Administration comprehensive economic development strategy to develop a regional quality of place investment strategy by engaging regional sector leaders, setting priorities and leveraging public and private development activities and funds.

Part C requires the Executive Department, State Planning Office to provide assistance to the Maine Quality of Place Council, engage in public education regarding asset-based investment strategies and a state quality of place investment strategy and work with regional planning and development districts to aid them in development of regional quality of place investment strategies.

Committee Amendment "A" (S-353)

This amendment is the majority report of the committee and it strikes and replaces the bill. Like the bill, the amendment establishes the Maine Quality of Place Council. Under the amendment, the council is composed of 12 members, including 6 state agency representatives and 6 private citizens. The amendment requires that the council, in consultation with directors of economic development districts, establish standards and guidelines for regional quality of place investment strategies. It also requires the council to work with relevant state agencies to identify how they can actively promote, strengthen and support efforts to make best use of Maine's quality of place assets, including initiatives that support and implement regional quality of place investment strategies, and to encourage state agencies to fund projects that are identified as priorities in regional asset-based strategies developed by economic development districts. The amendment requires the council to coordinate its work with other state economic plans and with the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. The amendment defines "quality of place assets" to mean those exceptional, marketable, place-based competitive strengths, resources and advantages that drive the local and regional economy and its sustainability, including:

1. Sustainable economic activities based on natural resources, including farming, fishing, forestry, nature-based and heritage-based tourism and outdoor recreation and leisure;
2. Downtowns and community centers;
3. Historic buildings, structures and related facilities;
4. Arts, culture and creative economy activities;

Joint Standing Committee on Business, Research and Economic Development

5. Landscapes, including the working landscapes of farms, forests and waterfronts;
6. Access to outdoor recreational activities and leisure over public and private lands, including motorized and nonmotorized activities;
7. Skills and knowledge of a workforce that relate to quality of place, including but not limited to those of workers in fishing, farming, forestry, research, historic preservation, the arts and culture, tourism and outdoor recreation and leisure; and
8. Intellectual assets, including schools and colleges, research institutes, museums and educational programs. The amendment further charges the Department of Economic and Community Development and the Executive Department, State Planning Office with jointly staffing the council and requires an annual report from the council to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

The amendment also provides that if an economic development district chooses to develop a regional quality of place assets inventory and regional quality of place investment strategy, then the district shall seek involvement from leading representatives of natural resources-based businesses, tourism, outdoor recreation and leisure, land conservation, arts and culture, historic preservation, downtown and community revitalization and municipal, transportation and workforce development interests within the region and any other entity that represents regional business or economic development interests, as well as consult with the council. It requires that, in addition to a regional quality of place assets inventory, a regional quality of place investment strategy must include identification of sustainable market opportunities that make best use of the region's identified quality of place assets, an investment plan that includes one or more initiatives designed to realize the identified market opportunities, priorities among the region's identified and recommended quality of place investments and initiatives, opportunities and approaches for leveraging other public and private development activities and funds to support the regional quality of place investment strategy and a plan to achieve full implementation, monitoring and measurement of the results of the strategy.

Enacted Law Summary

Public Law 2009, chapter 483 establishes the Maine Quality of Place Council. The council is composed of 12 members, including 6 state agency representatives and 6 private citizens. The law requires that the council, in consultation with directors of economic development districts, establish standards and guidelines for regional quality of place investment strategies. It requires the council to work with relevant state agencies to identify how they can actively promote, strengthen and support efforts to make best use of Maine's quality of place assets, including initiatives that support and implement regional quality of place investment strategies, and to encourage state agencies to fund projects that are identified as priorities in regional asset-based strategies developed by economic development districts. It requires the council to coordinate its work with other state economic plans and with the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. It also defines "quality of place assets" to mean those exceptional, marketable, place-based competitive strengths, resources and advantages that drive the local and regional economy and its sustainability, including:

1. Sustainable economic activities based on natural resources, including farming, fishing, forestry, nature-based and heritage-based tourism and outdoor recreation and leisure;
2. Downtowns and community centers;
3. Historic buildings, structures and related facilities;
4. Arts, culture and creative economy activities;
5. Landscapes, including the working landscapes of farms, forests and waterfronts;

Joint Standing Committee on Business, Research and Economic Development

- 6. Access to outdoor recreational activities and leisure over public and private lands, including motorized and nonmotorized activities;
- 7. Skills and knowledge of a workforce that relate to quality of place, including but not limited to those of workers in fishing, farming, forestry, research, historic preservation, the arts and culture, tourism and outdoor recreation and leisure; and
- 8. Intellectual assets, including schools and colleges, research institutes, museums and educational programs.

The law further charges the Department of Economic and Community Development and the Executive Department, State Planning Office with jointly staffing the council and requires an annual report from the council to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. It also provides that if an economic development district chooses to develop a regional quality of place assets inventory and regional quality of place investment strategy, then the district shall seek involvement from leading representatives of natural resources-based businesses, tourism, outdoor recreation and leisure, land conservation, arts and culture, historic preservation, downtown and community revitalization and municipal, transportation and workforce development interests within the region and any other entity that represents regional business or economic development interests, as well as consult with the council. It requires that, in addition to a regional quality of place assets inventory, a regional quality of place investment strategy must include identification of sustainable market opportunities that make best use of the region's identified quality of place assets, an investment plan that includes one or more initiatives designed to realize the identified market opportunities, priorities among the region's identified and recommended quality of place investments and initiatives, opportunities and approaches for leveraging other public and private development activities and funds to support the regional quality of place investment strategy and a plan to achieve full implementation, monitoring and measurement of the results of the strategy.

LD 1393 An Act To Provide an Exception to the Pine Tree Development Zone Requirements for Seafood Processing Businesses

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	ONTP	

This bill was carried over from the First Regular Session of the 124th Legislature by Joint Order, H.P. 1053. This bill provides a new exception category for qualification for Pine Tree Development Zone benefits for a seafood processing business that makes certain written commitments. The process for qualifying for this exception and the conditions for meeting those qualifications are similar to those that presently exist for manufacturing businesses in order for them to qualify for Pine Tree Development Zone benefits under circumstances in which they would not otherwise be qualified.

LD 1499 An Act To Protect Confidential Consumer Records in Self-service Storage Facilities

PUBLIC 525

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	S-389