

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

Committee Amendment "A" (H-658)

This amendment replaces the bill with a resolve that directs the Commissioner of Professional and Financial Regulation, in consultation with interested parties including the Maine Regulatory Fairness Board, to conduct a study of the need to establish protocols for the resolution of complaints made to occupational and professional licensing boards within and affiliated with the Department of Professional and Financial Regulation. It requires the Commissioner of Professional and Financial Regulation to submit any recommendations from the study to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2011. It also authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to submit a bill regarding the subject matter of the study to the First Regular Session of the 125th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-438)

This amendment removes the authority for the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to submit a bill to the First Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 191 directs the Commissioner of Professional and Financial Regulation, in consultation with interested parties including the Maine Regulatory Fairness Board, to conduct a study of the need to establish protocols for the resolution of complaints made to occupational and professional licensing boards within and affiliated with the Department. It requires the Commissioner of Professional and Financial Regulation to submit any recommendations from the study to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2011.

LD 1659 An Act To Enhance the Small Enterprise Growth Fund

PUBLIC 475

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

This bill allows the Small Enterprise Growth Board to establish and manage separate investment funds raised from entities other than the State.

Enacted Law Summary

Public Law 2009, chapter 475 allows the Small Enterprise Growth Board to establish and manage separate investment funds raised from entities other than the State.

LD 1664 An Act To Enhance the Redevelopment of the Brunswick Naval Air Station

PUBLIC 641
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-503

Joint Standing Committee on Business, Research and Economic Development

This bill creates a fund to support Brunswick Naval Air Station redevelopment. Funds will be appropriated by the State, and the Midcoast Regional Redevelopment Authority is authorized to receive funds from gifts, grants, devises, bequests, trusts or security documents. This bill sets forth goals to be pursued by the Midcoast Regional Redevelopment Authority and directs the authority to include a report on its progress toward those goals in its annual report to the Governor and the Legislature. The Midcoast Regional Redevelopment Authority is given power to act as an airport authority. This bill also directs the Maine Community College System to establish the Advanced Technology and Engineering Center as a campus of Southern Maine Community College at Brunswick Naval Air Station.

Committee Amendment "A" (S-503)

This amendment establishes the Brunswick Naval Air Station Job Increment Financing Fund to receive annually from the State 50% of the increase in Maine income tax withholding attributed to employees in the base area over the tax withholding at the base level of employment for a business, with payments made to the fund allocated as follows:

1. For payments transferred to the fund in 2011 and 2012, 100% must be allocated to Southern Maine Community College for use solely to fund the costs of higher education services, including, but not limited to, faculty and staff salaries and instruction, operations, equipment, maintenance and financing costs, including, but not limited to, closing costs, issuance costs and interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity;
2. For payments made to the fund in 2013, 75% must be allocated to the college for the uses stated above and 25% must be allocated to the Midcoast Regional Redevelopment Authority for use solely to fund the costs of municipal services in the base area, including, but not limited to, water, sewer, electricity, telecommunications, fire protection, police protection, sanitation services and the maintenance of buildings, facilities, grounds and roads; and
3. For payments made to the fund in 2014 and after, 50% must be allocated to the college and 50% must be allocated to the authority.

The amendment provides that payments to the fund will no longer be made after January 1, 2031. It requires that if at least 5,000 net new jobs are created prior to 2031, the fund must be reviewed by the joint standing committee of the Legislature having jurisdiction over economic development matters in order to determine whether continuance of the fund is necessary. The amendment also changes the name of the Maine Community College System campus of Southern Maine Community College at Brunswick Naval Air Station, the creation of which is proposed in the bill, from the Advanced Technology and Engineering Center to the Midcoast Campus.

Enacted Law Summary

Public Law 2009, chapter 641 amends the statutory goals and responsibilities of the Midcoast Regional Redevelopment Authority and provides the authority with the powers of a municipality to operate as an airport authority. It directs the authority to include in its annual report to the Governor and the Legislature a summary of its progress toward meeting these new goals. The law also directs the Maine Community College System to establish a Midcoast Campus of Southern Maine Community College at Brunswick Naval Air Station.

The law establishes the Brunswick Naval Air Station Job Increment Financing Fund to support Brunswick Naval Air Station redevelopment. The Fund will receive annually from the State 50% of the increase in Maine income tax withholding attributed to employees in the base area over the tax withholding at the base level of employment for a business, with payments made to the fund allocated as follows:

1. For payments transferred to the fund in 2011 and 2012, 100% must be allocated to Southern Maine Community College for use solely to fund the costs of higher education services, including, but not limited to, faculty and staff salaries and instruction, operations, equipment, maintenance and financing costs, including, but not limited to,

Joint Standing Committee on Business, Research and Economic Development

closing costs, issuance costs and interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity;

2. For payments made to the fund in 2013, 75% must be allocated to the college for the uses stated above and 25% must be allocated to the Midcoast Regional Redevelopment Authority for use solely to fund the costs of municipal services in the base area, including, but not limited to, water, sewer, electricity, telecommunications, fire protection, police protection, sanitation services and the maintenance of buildings, facilities, grounds and roads; and
3. For payments made to the fund in 2014 and after, 50% must be allocated to the college and 50% must be allocated to the authority.

The law provides that payments to the fund will no longer be made after January 1, 2031. It requires that if at least 5,000 net new jobs are created prior to 2031, the fund must be reviewed by the joint standing committee of the Legislature having jurisdiction over economic development matters in order to determine whether continuance of the fund is necessary.

Public Law 2009, chapter 641 was enacted as an emergency measure effective April 12, 2010.

LD 1677 An Act Regarding the Laws Governing Data Collection and Marketing Practices Directed at Minors

**PUBLIC 560
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-427

This bill prohibits the collection and use of personal information collected on the Internet from a minor who is at least 13 years of age and under 17 years of age for the purposes of pharmaceutical marketing in violation of rules adopted by the Attorney General. The bill requires the Attorney General to adopt rules consistent with the federal Children's Online Privacy Protection Act of 1998, 15 United States Code, Sections 6501 to 6506 (2007) and 16 Code of Federal Regulations, Part 312 (1999), which regulates the collection and use of personal information from children under 13 years of age on the Internet.

The rules, which are routine technical rules, must define "pharmaceutical marketing" in a manner that includes the business of advertising or otherwise promoting the sale of prescription and over-the-counter drugs, as regulated by the United States Food and Drug Administration, and ensures the adequate protection of the health and safety of minors who are at least 13 years of age and under 17 years of age. The bill establishes that a violation is an unfair trade practice as prohibited by the Maine Unfair Trade Practices Act.

Committee Amendment "A" (S-427)

This amendment adds an emergency preamble, emergency clause and new title to the bill. It also strikes everything in the bill except the repeal of the Maine Revised Statutes, Title 10, chapter 1055, which concerned data collection and marketing practices directed at minors.

Enacted Law Summary

Public Law 2009, chapter 560 repeals the Maine Revised Statutes, Title 10, chapter 1055, which concerned data collection and marketing practices directed at minors.

Public Law 2009, chapter 560 was enacted as an emergency measure effective March 29, 2010.