

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSESHouse & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT.....legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW.....sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY.....ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

responsibilities.

Committee Amendment "A" (S-418)

This amendment is the majority report of the committee and replaces the bill. It changes the composition of the Board of Dental Examiners by removing the dental hygienists from the board and adding two denturists to the board. It allows the Governor to accept nominations for the positions of dentist and denturist on the board from statewide associations of dentists and denturists, as well as from other organizations and individuals. It changes the composition of the Subcommittee on Denturists by reducing from two to one the number of dentists on the subcommittee and adding a public member. It also requires that any rule adopted by the board that relates to denturist licensure, including interviews for licensing and renewal, continuing education, discipline and inactive licensure status, must be proposed by the Subcommittee on Denturists and requires the board either to proceed with the rule-making process as proposed by the subcommittee's recommendation or, by a vote of more than 2/3 of the board members present and voting, to reject that recommendation. To reject the recommendation, the board must make a specific finding that the recommendation is beyond the jurisdiction of the subcommittee, places an undue financial burden upon the board or is not supported by the record. The amendment provides that the board must adopt the subcommittee's recommended disposition with respect to a complaint involving a denturist or an application for licensure or submission relating to continuing education unless more than 2/3 of the board members who are present and voting vote to reject the subcommittee's recommended disposition and the board makes a specific finding that the recommendation is beyond the jurisdiction of the subcommittee, places an undue financial burden upon the board or is not supported by the record.

It requires the Subcommittee on Denturists to submit its budgetary requirements to the board and requires the subcommittee's budget to be fully funded from revenue generated from denturist licensing fees. It requires the board to compensate the subcommittee for any necessary expenditures incurred by the subcommittee in performing its duties. It also eliminates the Subcommittee on Dental Hygienists. It adds an application section and staggers the terms for the two new denturist appointments to the board.

LD 1328 An Act To License Home Building and Improvement Contractors

Leave to Withdraw Pursuant to Joint Rule

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

This bill was carried over from the First Regular Session of the 126th Legislature.

It creates the Maine Home Contractor Licensing Act to establish licensing standards of practice and continuing education requirements for home contractors and home contractor salespersons.

LD 1458 Resolve, To Establish the Commission To Study Business Format Franchising

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG PATRICK	OTP-AM OTP-AM ONTP	H-669

This bill was carried over from the First Regular Session of the 126th Legislature.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

It enacts the Maine Small Business Investment Protection Act to protect franchisees in the sale and operation of franchise businesses.

Committee Amendment "A" (H-669)

This amendment is the majority report of the committee and replaces the bill with a resolve to establish the Commission To Study Business Format Franchising. It requires the commission to study the following: the frequency of transfers of franchises in this State from a franchisee to a member of the franchisee's family, including but not limited to, cases in which the franchisee dies or becomes incapacitated; legal issues raised with state franchise laws that require contract disputes to be subject to the jurisdiction of state courts; the cancellation, termination and renewal terms of franchise agreements; the impact of the imposition of the obligation to act in good faith on parties to a franchise agreement; and the impact of the imposition of the requirement of reasonableness on terms and provisions of a franchise agreement. It requires the commission to submit a report by November 5, 2014 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters.

Committee Amendment "B" (H-670)

This amendment is the minority report of the committee and it replaces the bill. It does the following.

1. It enacts the Maine Small Business Investment Protection Acts, establishes that violations of the Act are subject to the jurisdiction of the courts of this State and exempts from the provisions of the Act franchisors and franchisees that are subject to other statutory franchise relationship laws in the Maine Revised Statutes, Title 10, chapter 204, 204-B, 206-B, 208-B, 211-A or 214-A.
2. It establishes a standard of reasonableness and good faith for all agreements entered into under the Maine Small Business Investment Protection Act.
3. It provides standards regarding cancellation, termination and nonrenewal of a franchise to require good cause, prior notice and the opportunity to cure.
4. It includes protections for a franchisee's right to transfer or assign an interest in a franchise.
5. It provides for survivorship rights for a designated family member of a deceased or incapacitated franchisee.
6. It contains a public policy section that states that a contract or part of a contract or activity undertaken pursuant to a contract in violation of the Maine Small Business Investment Protection Act is against public policy and is void and unenforceable.
7. It adds an application section.

LD 1482 An Act To Amend the Motor Vehicle Franchise Laws

PUBLIC 534

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN FREDETTE	OTP-AM ONTP	S-439

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill amends the motor vehicle dealer franchise laws. It defines "essential tool" as a tool specific to a manufacturer that is instrumental to the diagnosis or repair of a manufacturer's express warranty claim on a new motor vehicle. It amends the laws related to a manufacturer's requirement to provide a fair supply and mix of vehicles. It clarifies that when a manufacturer requires a dealer to purchase a special or essential tool a