

Business, Research and Economic Development

PUBLIC 4 **An Act To Provide for the Efficient Administration of Family Development Accounts** **LD 24**

<u>Sponsor(s)</u> BOWEN HOBBINS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 4 allows members of the Advisory Committee on Family Development Accounts to serve for consecutive terms. It allows expenses to be paid for members of the advisory committee representing account holders as was enacted by Public Law 2003, chapter 673, Part QQ, section 1.

PUBLIC 19 **An Act To Amend the Applied Technology Development Centers Statutes** **LD 226**

<u>Sponsor(s)</u> BROMLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 19 changes the names of the Applied Technology Development Centers and its coordinating board, removes the position of Applied Technology Development Center System Director and transfers the responsibilities of the Department of Economic and Community Development for marketing and recruiting tenants to the centers. It also establishes a funding cap on the initial funding of a center and removes old references to named centers for the purpose of the initial funding allocations.

PUBLIC 33 **An Act To Require Agricultural Representation on the Maine Tourism Commission** **LD 673**

<u>Sponsor(s)</u> SMITH N BROMLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 33 adds a member representing a statewide organization of agricultural producers to the Maine Tourism Commission.

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PUBLIC 45 **An Act To Amend the Laws Regarding the Licensure of Dentists,
Dental Hygienists and Denturists** **LD 906**

<u>Sponsor(s)</u> BROMLEY RECTOR		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 45 provides the Board of Dental Examiners with the authority to waive a personal interview and conduct a telephone interview for applicants seeking licensure by endorsement in cases where the applicant is serving on military deployment overseas. The law requires dentists to receive permits issued by the board prior to administering general anesthetics and conscious sedation. The law clarifies language concerning the payment of license renewal fees if an existing licensee applies late, or if a new applicant applies for licensure in the 2nd year of the biennial license period. It also eliminates outdated language concerning temporary denturist permits, which the board ceased to issue after January 1, 2000.

PUBLIC 61 **An Act To Amend the Maine Motor Vehicle Franchise Board
Laws** **LD 391**

<u>Sponsor(s)</u> RECTOR HOBBINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-90
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Public Law 2005, chapter 61 makes technical amendments to the Maine Motor Vehicle Franchise Board laws to provide for alternate members and to clarify that the board has adopted its own adjudicatory rules, which makes the board exempt from parallel Maine Administrative Procedure Act requirements. The law also establishes 5-year term limits for alternate members appointed to the Maine Motor Vehicle Franchise Board.

PUBLIC 77 **An Act To Clarify the Authority of Podiatrists To Use Assistants** **LD 750**
EMERGENCY

<u>Sponsor(s)</u> BROMLEY O'BRIEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-115 SMITH N
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Public Law 2005, chapter 77 amends the laws governing podiatric practice by clarifying that podiatrists are authorized to use podiatric assistants in all aspects of podiatric medicine if each podiatric assistant is in training or has completed training and has received a competency evaluation approved by the Board of Licensure of Podiatric Medicine. The law provides that a podiatrist who delegates activities to a podiatric assistant creates an agency relationship and the podiatrist is liable for the medical activities of that assistant.

Public Law 2005, chapter 77 was enacted as an emergency measure effective May 5, 2005.

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PUBLIC 109 **An Act To Provide for the Efficient Administration of Scholarship** **LD 680**
EMERGENCY **Resources**

<u>Sponsor(s)</u> GAGNON THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-123
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Public Law 2005, chapter 109 eliminates the University of Maine System Scholarship Fund currently held by the Finance Authority of Maine and creates an identical fund to be administered by the Board of Trustees of the University of Maine System. The law requires the Finance Authority of Maine to transfer the funds from the old fund to the new fund by July 1, 2005. The law clarifies that fees credited from the University of Maine System registration plate may not be distributed as scholarships to students attending the University of Maine.

Public Law 2005, chapter 109 was enacted as an emergency measure effective May 13, 2005.

PUBLIC 155 **An Act To Reauthorize the Petroleum Market Share Act** **LD 585**
EMERGENCY

<u>Sponsor(s)</u> BROMLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-128
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Public Law 2005, chapter 155 removes provisions of the Petroleum Market Share Act that otherwise would repeal certain portions of that Act. It repeals laws that establish and govern the Petroleum Advisory Committee. The law reduces the frequency of refiner reports from quarterly to annually and clarifies that the required reports may be made by affiliates. The law provides that, although the Attorney General is required to consult with industry stakeholders concerning any future proposed legislative changes to the Act, the final decision regarding the substance of any legislative recommendation is entirely within the Attorney General's discretion.

Public Law 2005, chapter 155 was enacted as an emergency measure effective May 20, 2005.

PUBLIC 161 **An Act To Restrict Undocumented Mortgage Agreements** **LD 159**

<u>Sponsor(s)</u> SULLIVAN RECTOR		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-129
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Public Law 2005, chapter 161 prohibits real estate buyers, sellers and settlement agents from agreeing to side deals not reflected on closing documents if those side deals have the effect of overstating the value of the contract sales price. It establishes that any violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

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**PUBLIC 162 An Act To Make Technical Changes to the Medical Licensure
Laws**

LD 398

<u>Sponsor(s)</u> SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-318
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Public Law 2005, chapter 162 makes a number of technical changes to the law concerning the Board of Licensure in Medicine. The law clarifies and provides specific grounds for disciplining physician assistants. It changes the postgraduate training requirements for licensure for applicants who have graduated from an accredited or unaccredited medical school on or after July 1, 2004 to require the completion of at least 36 months in a graduate educational program. The law also provides that an applicant who has completed 24 months of postgraduate training and has received an unrestricted endorsement from the director of an accredited graduate education program in Maine is considered to have satisfied the postgraduate training requirements if the applicant continues in that program and completes 36 months of postgraduate training. The law repeals sections of law referring to a state examination and reexamination of physician licensure applicants since the board now uses the national standardized examination set. It changes the nomenclature of the "locum tenens" license. The law also requires physicians 70 years of age or older who continue active practice to pay license registration fees.

**PUBLIC 163 An Act To Amend and Update Laws Regulating the Practice of
Nursing**

LD 1225

<u>Sponsor(s)</u> PERRY A PERRY J		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 163 clarifies sections of law pertaining to the Maine State Board of Nursing by eliminating several outdated sections. It also corrects the name of the national licensing examination for nurses and updates the exception to licensure for students.

**PUBLIC 166 An Act To Allow Applicants for Limited Radiographer Licenses
EMERGENCY To Take Qualifying Views**

LD 1283

<u>Sponsor(s)</u> PINKHAM PINKHAM		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-319
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Public Law 2005, chapter 166 provides that individuals concurrently obtaining the education and clinical training required by the Radiologic Technology Board of Examiners by rule may take qualifying views for the purpose of obtaining a limited radiographer license.

Public Law 2005, chapter 166 was enacted as an emergency measure effective May 20, 2005.

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PUBLIC 168 **An Act To Change the Definition of "Academic Medical Center"** **LD 341**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J DUNN	OTP-AM	S-135

Public Law 2005, chapter 168 amends the Maine Biomedical Research Program's eligibility requirements to provide that applicants created after July 1, 2001 may be eligible for funding from the Maine Biomedical Research Fund if an affiliate of the applicant is able to satisfy the eligibility requirements for funding. The law defines "affiliate" for the purposes of the Maine Biomedical Research Program.

PUBLIC 173 **An Act To Modify the Transition Provision for Renewal of Social** **LD 1010**
EMERGENCY **Worker Licenses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BEAUDETTE	OTP-AM	S-161

Public Law 2005, chapter 173 provides that social workers employed in long-term care settings and licensed as of September 13, 2003, the effective date of Public Law 2003, chapter 429, which extended a 96-hour consultation requirement to all social workers, may fulfill the consultation requirements by counting consultation hours that were obtained prior to August 3, 2004. Consultation hours obtained prior to August 3, 2004 that satisfy the standards set by the Department of Health and Human Services will be recognized and accepted by the State Board of Social Worker Licensure. As of August 2, 2004, the board required that the consultation must be provided either individually or in a group of not more than 8 members. The board's prior practices had recognized consultation in groups of 20 members or more.

Public Law 2005, chapter 173 was enacted as an emergency measure effective May 20, 2005.

PUBLIC 185 **An Act To Modernize the Innkeeping Statutes** **LD 905**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MOODY	OTP-AM	S-160

Public Law 2005, chapter 185 removes the treble damages provision for overcharges by keepers of hotels, inns and lodging houses and instead requires that a guest who is overcharged be reimbursed the amount charged minus the posted rate for the room. The law also removes the requirement that a person operating a hotel or lodging house must maintain a register of all persons occupying the room and only requires the name of the person renting the room. This law provides that innkeepers or campground owners have the discretion to deny accommodations to minors.

PUBLIC 191 **An Act To Extend the Kim Wallace Adaptive Equipment Loan** **LD 1267**
EMERGENCY **Program**

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<u>Sponsor(s)</u> MITCHELL RICHARDSON J	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2005, chapter 191 amends the Kim Wallace Adaptive Equipment Loan Program in the following ways:

1. It authorizes a state agency other than the Finance Authority of Maine to administer the program fund;
2. It authorizes the program board to employ individuals as needed;
3. It clarifies how loans are approved or ratified by the board and provides that the board exercises the powers of a lender or creditor upon entering loan agreements; and
4. It continues the transportation assistance program that would otherwise cease on June 30, 2005.

Public Law 2005, chapter 191 was enacted as an emergency measure effective May 20, 2005.

PUBLIC 197 An Act To Limit Faxes from Telemarketers

LD 957

<u>Sponsor(s)</u> CRESSEY WOODCOCK	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2005, chapter 197 amends the telephone solicitation laws by expanding the definition of automated telephone calling device to include a facsimile machine. The law prohibits a person from using an automated telephone calling device to make solicitation calls to telephone numbers in the State except on weekdays between the hours of 9 a.m. and 5 p.m.

PUBLIC 198 An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures

LD 661

<u>Sponsor(s)</u> SMITH N	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-294
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Public Law 2005, chapter 198 establishes that dental hygienists with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners.

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PUBLIC 200 An Act To Amend the Statewide Building Code

LD 472

<u>Sponsor(s)</u> KOFFMAN COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-295
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Public Law 2005, chapter 200 requires towns, cities or municipalities that adopt a building rehabilitation code to adopt the International Existing Building Code, which is a building rehabilitation code. The law also provides that the State Planning Office is authorized to obtain public and private funds to conduct a project that would harmonize the codes and standards currently in law with the Maine Model Building Code and the International Existing Building Code within 3 years. The law requires the State Planning Office is required to report back on the status of the project to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

PUBLIC 221 An Act To Clarify Reporting Responsibilities to Licensing Boards

LD 697

<u>Sponsor(s)</u> HOBBINS SMITH N	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-130
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Public Law 2005, chapter 221 broadens the scope of information that must be provided by a health care provider or health care entity to the relevant board or authority following health-care related discipline of licensed professionals. The law also increases the fine for the failure of any health care provider or entity to report this information from \$1,000 to \$5,000. It clarifies that all health care entities are covered by this reporting requirement and it confirms the ability of the practitioner's board of licensure to share otherwise confidential investigative information with health care providers who credential licensees.

**PUBLIC 235 An Act To Update the Membership of Certain Professional
Licensing Boards**

LD 1471

<u>Sponsor(s)</u> SMITH N BROMLEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> H-356
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Public Law 2005, chapter 235 eliminates the position on the Electricians' Examining Board designated for the Commissioner of Professional and Financial Regulation or the commissioner's designee. The law also amends the State Board of Social Worker Licensure by removing restrictive language with regard to license types to provide greater flexibility to appoint members with significant clinical social work experience. Finally, the law eliminates the position from the Board of Barbering and Cosmetology that is currently designated for an owner of a barbering or cosmetology school located in the State.

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PUBLIC 243 An Act Regarding Identity Theft Deterrence

LD 581

<u>Sponsor(s)</u> BROMLEY KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-187
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Public Law 2005, chapter 243 allows consumers to implement a security freeze on their consumer reports and describes the requirements for requesting and removing a security freeze temporarily or permanently. This law establishes strict timelines for compliance by consumer reporting agencies and permits consumer reporting agencies to assess a fee to consumers who are not victims of identity theft for each freeze-related action taken with respect to a consumer report. In addition, the law identifies exceptions to the security freeze requirements based on federal law and state enforcement requirements.

PUBLIC 261 An Act To Protect the Integrity of Maine State Housing Authority Funds

LD 1445

<u>Sponsor(s)</u> ADAMS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-429
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Public Law 2005, chapter 261 provides that the Maine State Housing Authority may condition approval of funding for a housing project upon a municipality's representation that the applicant, an affiliate of the applicant or any owner controlled by the applicant has no record of a material municipal code violation of health, safety or sanitation standards.

PUBLIC 262 An Act Regarding Licensing Boards

LD 1480

<u>Sponsor(s)</u> BROMLEY SMITH N	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-208
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Public Law 2005, chapter 262 increases the statutory fee caps with respect to the Board of Chiropractic Licensure, the Maine Board of Pharmacy, the Board of Licensure for Professional Land Surveyors and the Board of Real Estate Appraisers. The law also provides for a standardized approach to licensure renewal procedures.

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**PUBLIC 267 An Act To Amend the Law Governing the Licensure of
Interpreters for the Deaf and Hard-of-hearing**

LD 1340

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS PERCY	OTP-AM	S-216

Public Law 2005, chapter 267 makes the following changes to the laws governing licensure for interpreters for the deaf and hard-of-hearing:

1. It provides that achieving a score of 3.5 on the Educational Interpreter Performance Assessment may be used as an additional method of obtaining licensure as a limited interpreter for the deaf or hard-of-hearing or a limited transliterator;
2. It eliminates the requirement that an interpreter disclose the interpreter's training and experience to a consumer or persons utilizing the services of the interpreter in order to make the disclosure more meaningful to the consumer and less burdensome for the interpreter;
3. It increases the fee cap for initial and renewal license fees, except for applicants who are deaf, from \$300 to \$325;
4. It decreases the initial and renewal license fees for applicants who are deaf from \$300 to \$100;
5. It increases from 15 to 20 the annual number of hours of continuing education that must be completed by persons licensed as limited interpreters, limited transliterators and limited deaf interpreters; and
6. It repeals transitional language relating to qualifications for limited licenses.

**PUBLIC 274 An Act To Amend the Maine Consumer Credit Code - Credit
Services Organizations**

LD 686

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY GLYNN	OTP-AM MAJ OTP-AM MIN	S-198

Public Law 2005, chapter 274 changes the title of the Maine Revised Statutes, Title 9-A, article 10 from "Maine Consumer Credit Code - Credit Services Organizations" to "Maine Consumer Credit Code - Loan Brokers." The law enhances regulation of loan brokers and changes references to "credit services organization" to "loan broker," a descriptive term better understood by the industry and consumers. The law changes the state application process from a registration process to a licensure process and from an annual application to a biennial application. Because the current \$10,000 bond has proven inadequate to cover losses caused by loan brokers in several cases in 2004, the law increases the surety bond to \$25,000. The law requires that license numbers appear in print advertising placed by a loan broker and permits the administrator to establish a system of continuing education for loan brokers. The law also provides that the administrator may adopt rules requiring supervised lenders to satisfy initial and continuing educational requirements. The reasonable costs of meeting these educational requirements will be assessed to applicants.

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PUBLIC 278 **An Act To Improve the Surety Bond Requirement for Small** **LD 633**
EMERGENCY **Payroll Companies**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDELL DOW	OTP-AM	H-417

Public Law 2005, chapter 278 alters the sliding scale for initial application and annual renewal application fees for payroll processors and lowers the minimum surety bond requirement from \$100,000 to \$50,000. The law also provides an exemption for certain payroll processors from the requirement of surety bonding if the payroll processor arranges for the transfer of funds from an employer's account directly to taxing authorities for payment of the employer's taxes, as long as the payroll processor is not authorized to arrange for the transfer of the client's funds for any other uses or to any other accounts.

Public Law 2005, chapter 278 was enacted as an emergency measure effective June 2, 2005.

PUBLIC 289 **An Act To Amend Dental Hygienist Licensing Requirements** **LD 1385**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS DAVIS P	OTP-AM	H-418

Public Law 2005, chapter 289 decreases from 5 to 3 years the active clinical practice experience that a dental hygienist must have in order to be considered for licensure by endorsement. This matches the endorsement for dentists. The law requires a hygienist who is an applicant for licensure by endorsement to be interviewed by the Board of Dental Examiners, Subcommittee on Dental Hygienist Submissions.

PUBLIC 315 **An Act To Amend the Laws Concerning Registration of Engineers** **LD 1548**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY FARRINGTON	OTP-AM	S-257

Public Law 2005, chapter 315 changes the name of the board from "State Board of Registration for Professional Engineers" to "State Board of Licensure for Professional Engineers" and changes all references to "certificate of registration" to "license." It also codifies the practice of having the Chief Engineer of the Department of Transportation serve as an ex officio voting member of the board. The law authorizes the board to grant hardship exemptions to licensees who are unable to fulfill continuing education requirements due to an extenuating situation, hardship or disability. The law also deletes outdated provisions no longer in effect.

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PUBLIC 317 An Act To Improve Warranty Practices for Farm Machinery Dealerships LD 653

<u>Sponsor(s)</u> SAVAGE SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-258
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Public Law 2005, chapter 317 provides for specific warranty obligations for farm machinery dealerships. The law establishes minimum compensation rates for labor and parts that a supplier must compensate a dealer for when warranty work is performed.

PUBLIC 322 An Act To Increase Access to Certain Dental Services LD 1461

<u>Sponsor(s)</u> FAIRCLOTH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-601
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Public Law 2005, chapter 322 establishes a new category of dental assistant, "expanded function dental assistant," with authority to perform certain reversible intraoral procedures under the direct supervision of a licensed dentist. The law provides that the Board of Dental Examiners may further expand through rulemaking other reversible procedures that an expanded function dental assistant may perform. A certified dental assistant or a licensed registered dental hygienist may qualify for certification as an expanded function dental assistant by successfully completing training in a school or program approved by the Board of Dental Examiners. The law establishes an application fee to be determined by the Board of Dental Examiners, not to exceed \$100, as well as a certification renewal fee of not more than \$100.

PUBLIC 344 An Act To Amend the Laws Governing the Manufactured Housing Board LD 1509

<u>Sponsor(s)</u> HASTINGS MILLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-260
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Public Law 2005, chapter 344 amends the laws governing the Manufactured Housing Board. The law amends the definitions of "dealer," "installer," "mechanic" and "manufactured housing." The law also enacts a definition for the term "developer dealer" and requires licensing of developer dealers. The law also clarifies that active licensees of the Real Estate Commission are exempt from the licensing requirements for selling or brokering used manufactured housing and new manufactured housing if such housing is sold or offered for sale by a licensee of the Manufactured Housing Board.

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PUBLIC 347 An Act To Update Professional and Occupational Licensing Laws

LD 1524

<u>Sponsor(s)</u> FARRINGTON BROMLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-522
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Public Law 2005, chapter 347 makes the following changes to professional and occupational licensing laws:

1. It expands the list of state licensing entities that may consider in the professional licensing process prior criminal convictions that involve sexual misconduct of an applicant or licensee;
2. It removes an inaccurate and unnecessary reference to the definition of "household";
3. It simplifies references to civil and criminal laws and rules in the Maine Veterinary Medicine Practice Act and provides narrative descriptions of provisions setting forth grounds for disciplinary action;
4. It removes outdated transition language from the statute regulating accountancy practice. It also authorizes the Board of Accountancy to recognize an applicant's work completed under the supervision of a licensed professional of another country as satisfying the required work experience to obtain a certified public accountant license;
5. It amends the definition of "merchandise" in the transient seller registration laws to exclude insurance products from the definition because the insurance industry is already regulated by the Bureau of Insurance; and
6. It clarifies the jurisdiction of state propane and natural gas inspectors.

PUBLIC 349 An Act To Exempt Internet Services from Auctioneer Licensure
EMERGENCY

LD 1670

<u>Sponsor(s)</u> BROMLEY EBERLE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-259
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Public Law 2005, chapter 349 provides an exemption from the requirements of auctioneer licensure for an individual who takes possession of goods pursuant to a contract for the exclusive purpose of selling those goods over the Internet. This exemption is repealed May 15, 2007.

Public Law 2005, chapter 349 was enacted as an emergency measure effective June 8, 2005.

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**PUBLIC 351
EMERGENCY**

An Act To Make Changes to the Pine Tree Development Zones

LD 449

<u>Sponsor(s)</u> MITCHELL ROBINSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-297
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Public Law 2005, chapter 351 makes the following changes to the laws governing the Pine Tree Development Zone, or "zone," program:

1. It clarifies the method for determining baseline information, adds language to adjust employment seasonality and aligns definitions with the Maine Employment Tax Increment Financing Program, or "ETIF program." It updates a statutory reference made obsolete by changes made in this amendment, and adds the utility benefits enacted by Public Law 2003, chapter 610;
2. It clarifies the requirement for a business to add a new employee, aligns the qualifying criteria with those under the ETIF program by assigning determination duties to the Department of Economic and Community Development and removing Department of Administration and Financial Services responsibility and redefines "qualified Pine Tree Development Zone employees" to restore the meaning originally used under the ETIF program in order to align programs and match past practice. The law also clarifies the status of shifted employees and assigns antishifting oversight to the Department of Economic and Community Development;
3. It establishes that under the 5,000-acre limit, acres need not be contiguous and only developable acres may be counted. It aligns the antipiracy and antishifting provisions by including property in both and clarifies the language regarding antipiracy and antishifting if companies move from nonqualified to qualified activities. The law also repeals the limitation on the number of parcels allowed within a zone, opting instead for a cap on total acres. This permits more communities to participate in each zone as they respond to development project needs;
4. It clarifies that zones were legally constituted when the commissioner issued preliminary designations;
5. It simplifies the amendment process and clarifies that all aspects of a zone's development program may be amended by majority vote of the participating municipalities. Voting responsibilities may be delegated to the zone's governing body. It also permits municipalities to independently shift or delete acres within their own boundaries and clarifies that amendments may not be enacted that jeopardize existing benefits to qualified businesses;
6. It repeals the sales and use tax exemption for sales to contractors of Pine Tree Development Zone businesses and establishes a reimbursement program under which the contractors may recover the tax paid on qualifying purchases;
7. It limits eligibility for Pine Tree Development Zone credit against the insurance premium tax to 10 years from the commencement of the qualified business activity and clarifies the rules regarding apportionment of the credit by companies that engage in both qualified and nonqualified activities;
8. It limits eligibility for Pine Tree Development Zone credit against the corporate income tax to 10 years from the commencement of the qualified business activity and clarifies the rules regarding apportionment of the credit by corporations that engage in both qualified and nonqualified activities. The law limits the amount

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of Pine Tree Development Zone credit for a member of a pass-through entity to the amount of tax attributable to taxable income derived from the pass-through entity. The law redefines "affiliated business" under the ETIF program to match the definition under the Maine Revised Statutes, Title 36, Part 8;

9. It repeals the definition of "affiliated group" under the ETIF program and defines "average employment during the base period" for purposes of the ETIF program. Existing law measures employment on December 31st of each year. This change allows measurement of employment at the end of each quarter during the year, creating a more accurate employment picture;
10. It redefines "base level of employment" for purposes of the ETIF program. Existing law measures employment on December 31st of the previous year. This change allows measurement of employment at the end of each quarter during the year, creating a more accurate employment picture. The law updates a statute reference made obsolete by the changes in this amendment;
11. It adds a limitation to the ETIF program stating that "qualified employees" does not include those employees that are shifted to a qualified activity from elsewhere in the company or from an affiliate of the company. This limitation currently exists in a separate section of law;
12. It repeals the section of law that describes the shifting limitation for the ETIF program. The limitation is moved to Title 36, section 6753, subsection 12 in this amendment; and
13. Finally, the law amends the ETIF law to reflect the increase in the top percentage of employment tax increment available to employers for qualified employees in a Pine Tree Development Zone tax increment from 75% to 80%.

Public Law 2005, chapter 351 was enacted as an emergency measure effective June 9, 2005.

PUBLIC 363 An Act To Allow Physicians Licensed in Other States but Trained outside the United States To Practice Medicine in Maine

LD 1261

Sponsor(s)
SCHNEIDER
CROSBY

Committee Report
OTP-AM

Amendments Adopted
S-239

Public Law 2005, chapter 363 increases the requirements for consideration for a waiver of the postgraduate training requirements for licensure as a physician in this State from a minimum of 2 years of working experience to at least 3 years of clinical experience in the area of expertise. The law provides that once the Board of Licensure in Medicine has determined that the physician has met the basic requirements for consideration of a waiver, it shall consider physicians that have completed a 3-year clinical fellowship in the area of expertise. The burden of proof is placed on the applicant to prove the quality and content of the fellowship. The law also requires the board to consider publication in a peer-reviewed clinical medical journal recognized by the board and the number of years in clinical practice. The costs associated with the board's determination of licensing eligibility must be borne by the applicant.

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PUBLIC 367 **An Act To Amend the Laws Governing the Powers and Duties of
the Washington County Development Authority**

LD 1339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE MCFADDEN	OTP-AM	H-623 SMITH N S-296

Public Law 2005, chapter 367 amends the laws governing the powers and duties of the Washington County Development Authority. It expands the powers of the authority to include buying, selling, developing, redeveloping and leasing property for the purpose of further developing the economy of Washington County. The law also expands the definition of "primary impact community" to include all of the municipalities and unorganized territories in the county.

The law changes the composition of the board of trustees of the Washington County Development Authority to include 13 members. Nine of the members must be selected from candidates who are residents of Washington County and are nominated by private, nonprofit, countywide, federally recognized Washington County-based economic development organizations other than the authority. The law provides that primary impact communities also may make nominations. It requires that the Governor ensure that all regions of the county, as defined by the 3 county commissioner districts, are equally represented on the board of trustees and prohibits a municipality from having more than 2 trustees sitting on the board. It provides for staggered terms for the newly appointed members of the board and describes the manner in which trustees may be removed from the board. It also provides that trustees may not serve more than 2 consecutive 4-year terms on the board.

PUBLIC 378 **An Act To Amend the Real Estate Brokerage Laws**

LD 1525

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N DOW	OTP-AM	H-583 H-638 SMITH N

Public Law 2005, chapter 378 amends the real estate brokerage license laws as follows:

1. It clarifies the definitions of the words "real estate brokerage agency" and "agency";
2. It repeals the current real estate brokerage contract section and enacts a section titled "Brokerage agreements." Brokerage agreements between a real estate company providing brokerage services to a client seller or buyer are required to be in writing, to include 4 specific contract provisions and to terminate a real estate company's rights to enforce an agreement after the expiration date against a client who engages the services of another real estate brokerage agency;
3. It amends the trust account section to permit brokerage trust accounts to be maintained only in a federally insured financial institution authorized to do business in this State, as defined in the Maine Revised Statutes, Title 9-B, section 131, subsection 17-A, or a credit union authorized to do business in this State as defined in Title 9-B, section 131, subsection 12-A, and authorizes the Real Estate Commission to adopt rules to establish standards by which trust account records are to be maintained;

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4. It enacts a section that authorizes the Real Estate Commission to adopt rules establishing the requirements for real estate companies to maintain brokerage records, including a retention schedule;
5. It amends the agency relationship subchapter and establishes a nonagent presumption standard for real estate brokerage companies called "transaction broker." The roles of the transaction broker, buyer agent, seller agent and disclosed dual agent are clarified and the responsibilities to buyers and sellers are established;
6. It provides for a sunrise review of commercial leasing by the Department of Professional and Financial Regulation;
7. It creates a private cause of action by which an affected party may seek a court-ordered injunction to prohibit unlicensed activity. The law does not affect the authority of the Attorney General's office to investigate and prosecute unlicensed activity;
8. It amends the education provisions for real estate brokerage licensees by increasing the continuing education requirement for licensees from 15 hours to 21 hours and makes the commensurate adjustment to the continuing education required for reinstatement. It removes the requirement that associate real estate brokerage license applicants take an examination and requires that applicants for a real estate sales agent license both complete a course of study and take an examination;
9. It requires that all sellers provide property disclosures containing certain information, whether or not a person licensed to practice real estate brokerage is involved in the transfer. The requirement that persons licensed to practice real estate brokerage provide such disclosures remains unchanged;
10. It updates the seller's mandatory disclosures involving reference to heating systems and sources rather than insulation; and
11. It also adopts an effective date of July 1, 2006 and includes transition language for sales agents and associate brokers.

**PUBLIC 380 An Act To Replace the Interagency Task Force on Homelessness
and Housing Opportunities with the Statewide Homeless Council**

LD 1678

<u>Sponsor(s)</u> EDMONDS RICHARDSON J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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Public Law 2005, chapter 380 repeals the Interagency Task Force on Homelessness and Housing Opportunities and establishes in its place the Statewide Homeless Council. The membership of the council is designed to better coordinate and establish statewide policies on homelessness.

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PUBLIC 425 An Act To Amend the Economic Development Statutes

LD 1503

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE DOW	OTP-AM	H-683

Public Law 2005, chapter 425 makes changes to the Maine rural development law, including changing the name of the community industrial building program to the speculative industrial building program, clarifying conflicts of interest for the board of directors and clarifying the required municipal participation in a project. The law removes the sunset from the Maine Technology Institute law, makes changes to the board members as a result of the dissolution of the Maine Science and Technology Foundation and clarifies the board liability insurance coverage. The law creates designee authority for the Commissioner of Economic and Community Development on the Maine Rural Development Authority, Finance Authority of Maine, Energy Resources Council and Maine Small Business and Entrepreneurship Commission and removes the commissioner as a nonvoting trustee from the Maine Community College System board.

The law also removes the office directors within the Department of Economic and Community Development as major policy-influencing positions and specifies that the office directors within the Department of Economic and Community Development serve at the pleasure of the commissioner. It establishes that the Director of the Office of Innovation serves as the State Science Advisor. The law removes a representative from the department as a nonvoting member from the allocation committee for determining the private activity bond ceiling and establishes the Small Enterprise Growth Board as a corporate entity.

The law also establishes that the position responsible for the administration of the tax incentive programs is a classified state employee position. The law repeals the sunset provision on the Maine Research and Development Evaluation Fund and removes the involvement of the State Budget Officer from the process for assessing the contributing organizations. The law requires that the Office of Innovation provide to agencies the annual budget for the fund, as well as a detailed account of each institution's required assessment. It also removes the previous requirement that transfers to the Maine Research and Development Evaluation Fund must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Finally, the law repeals the language requiring the department to develop and implement a marketing campaign to attract and retain youth in Maine.

PUBLIC 427 An Act To Recruit and Retain College Graduates through Loan Repayment

LD 399

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER MITCHELL	OTP-AM MAJ ONTP MIN	H-553 S-400 ROTUNDO

Public Law 2005, chapter 427 establishes the Future for Youth in Maine Loan Repayment Program to recruit and retain college graduates to start new technology-based businesses and to work as employees of technology-based businesses within any statewide recognized economic development entity. The program will provide loan repayments of up to \$5,000 per year for a maximum of 4 years for graduates who are employed in new technology-based businesses within the Applied Technology Development Center System or other statewide

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recognized economic development entities. The law directs the Finance Authority of Maine to administer the program and allows the Finance Authority of Maine to receive money from sources other than the State to provide the loans.

The law requires the Finance Authority of Maine to report on the program to the Department of Economic and Community Development, the Joint Standing Committee of the Legislature having jurisdiction over education matters and to the Joint Standing Committee of the Legislature having jurisdiction over business matters no later than January 15, 2007 and annually thereafter.

PUBLIC 451 An Act To Improve the Economic Development of the Indian Tribes LD 1273

<u>Sponsor(s)</u> SOCKALEXIS SNOWE-MELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-565
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Public Law 2005, chapter 451 removes the current tribal property from the Pine Tree Development Zone 5,000-acre limit and allows the tribes to designate any part of their land, up to the statutory 500 acres, or 100 acres for the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians, as Pine Tree Development Zones.

PUBLIC 458 An Act To Contain Costs, Reduce Paperwork and Streamline the Regulatory Process for Maine's Small Businesses LD 1263

<u>Sponsor(s)</u> BROMLEY SMITH N	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-678 SMITH N S-348
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Public Law 2005, chapter 458 directs the Commissioner of Economic and Community Development to create within existing budgeted resources the Office of Small Business and Entrepreneurship and requires the appointment of a director to operate the Office of Small Business and Entrepreneurship. The director of the office will be responsible for advocating for policies and programs that will stimulate investment and growth in small business and entrepreneurship in Maine. The director will be required to assist in the oversight of the State's investments in small business and entrepreneurship initiatives, chair the Maine Entrepreneurship Working Group, prepare a biennial report to the Legislature on the status of small business and entrepreneurship in Maine and oversee the Business Answers program. This law also reestablishes the Maine Regulatory Fairness Board.

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P & S 5 **An Act To Provide for the 2005 and 2006 Allocations of the State** **LD 1482**
EMERGENCY **Ceiling on Private Activity Bonds**

<u>Sponsor(s)</u> BROMLEY RECTOR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-115
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Private and Special Law 2005, chapter 5 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2005 and 2006. Under federal law, a maximum of \$239,180,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2005 and 2006. The law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2005, chapter 5 was enacted as an emergency measure effective May 10, 2005.

P & S 12 **An Act Regarding Speech-language Pathology Aides** **LD 1277**
EMERGENCY

<u>Sponsor(s)</u> SHERMAN MILLS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-272
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Private and Special Law 2005, chapter 12 provides speech-language pathology aides additional time to meet the requirements for registration as speech-language pathology assistants.

Private and Special Law 2005, chapter 12 was enacted as an emergency measure effective May 20, 2005.

P & S 18 **An Act To Authorize the Department of Professional and Financial** **LD 1306**
Regulation To Develop a Model for Registration of Home Building
and Improvement Contractors

<u>Sponsor(s)</u> JACKSON COWGER	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-257
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Private and Special Law 2005, chapter 18 authorizes the Department of Professional and Financial Regulation to work in consultation with the Attorney General, home building and improvement industry representatives and appropriate stakeholders to develop a model registration process for home building and improvement contractors. The law requires the department to report its findings concerning the registry, including any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

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P & S 25 **An Act To Ensure Sufficient Staffing To Properly Enforce the** **LD 267**
Laws and Rules of the Manufactured Housing Board

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM MAJ ONTP MIN	S-114

Private and Special Law 2005, chapter 25 increases the Other Special Revenue funds allocation for one Manufactured Housing Inspector position and related All Other effective October 1, 2005.

P & S 27 **An Act To Ensure Maine's Readiness To Respond to Decisions** **LD 1689**
EMERGENCY **Relative to the Base Realignment and Closure Process**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS		

Private and Special Law 2005, chapter 27 requests that the Governor identify up to \$100,000 of funds previously appropriated by the Legislature, yet no longer needed for the intended purpose, and transfer those funds by financial order to assist communities affected by the Base Realignment and Closure Commission process no later than June 30, 2005. The law requires the Commissioner of Administrative and Financial Services to report to the Governor, the President of the Senate and the Speaker of the House no later than October 1, 2005 regarding the expenditure of the funds.

Private and Special Law 2005, chapter 27 was enacted as an emergency measure effective June 21, 2005.

RESOLVE 24 **Resolve, Authorizing the Office of Consumer Credit Regulation To** **LD 788**
Study the Payday Advance Industry and Related Consumer Credit
Lending Issues in Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE SULLIVAN	OTP-AM	H-241

Resolve 2005, chapter 24 directs the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation, in consultation with the Office of the Attorney General, the banking and lending industry and consumers, to study the current market for payday advance services and sub-prime lending practices in the State. It also directs the department to report its findings, along with any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

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RESOLVE 39 **Resolve, Directing the Board of Dental Examiners To Establish by Rule Protocols To Allow Dental Hygienists Practicing under Public Health Supervision Status To Administer Fluoride or Other Antimicrobials** **LD 552**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS DOW	OTP-AM	H-256

Resolve 2005, chapter 39 directs the Department of Professional and Financial Regulation, Board of Dental Examiners to establish by rule protocols that describe the conditions under which dental hygienists with public health supervision status are authorized to administer fluoride or other antimicrobials.

RESOLVE 76 **Resolve, To Improve Statewide Business Assistance Services** **LD 825**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON MAYO	OTP-AM	H-475

Resolve 2005, chapter 76 directs the Department of Economic and Community Development to develop a proposal for promoting and marketing the Business Answers program, with a special focus on promoting its publicly accessible website and toll-free telephone service to the public to increase the public's awareness of the valuable services offered by this program. This resolve directs the department to report its findings, along with a written proposal identifying ways to improve the promotion and marketing of the Business Answers program, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

RESOLVE 81 **Resolve, To Amend the Rule-making Process for the State's Plumbing Code** **LD 1056**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN SMITH N	OTP-AM MAJ OTP-AM MIN	S-132

Resolve 2005, chapter 81 provides that the rules provisionally adopted by the Plumbers' Examining Board updating the plumbing code to the current version of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials are considered finally adopted.

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RESOLVE 102 Resolve, To Study the Establishment of a Controlled Substances Act for the State of Maine

LD 1190

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-521

Resolve 2005, chapter 102 directs the Director of the Office of Substance Abuse within the Department Health and Human Services to determine, in consultation with the Department of Professional and Financial Regulation, the Office of the Attorney General and interested parties, the feasibility of establishing a controlled substances act. This resolve requires the director to submit a report, along with any proposed legislation, to the Joint Standing Committee on Health and Human Services by January 30, 2006. The joint standing committee may report out legislation to the Second Regular Session of the 122nd Legislature to establish a controlled substances act.

RESOLVE 105 Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work

LD 1423

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS BARTLETT	OTP MAJ ONTP MIN	

Resolve 2005, chapter 105 directs the Department of Professional and Financial Regulation and the Maine Community College System to jointly develop a proposal to establish a certification program for home repair and renovation tradespersons to perform limited plumbing and electrical work. The resolve directs the department and the system to solicit input from interested parties, including, but not limited to, the Electricians' Examining Board, the Plumbers' Examining Board and consumers of home repair, plumbing and electrical services.

RESOLVE 106 Resolve, To Direct the State Board of Funeral Service To Consider the Need To Amend Its Rules with Regard to Licensed Funeral Establishments

LD 1083

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM MAJ ONTP MIN	H-525

Resolve 2005, chapter 106 directs the Department of Professional and Financial Regulation, State Board of Funeral Service to review the regulation and nature of public disclosures required to be made by licensed funeral establishments and branches, as well as whether the current rules adequately address these public disclosure requirements.

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RESOLVE 122 **Resolve, To Increase Small Business Access to State Contracts**

LD 1015

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N DOW	OTP-AM	H-400

Resolve 2005, chapter 122 directs all state agencies with assistance from the Department of Economic and Community Development to do more outreach to the small business community and to assist small businesses in making contacts with the Market Development Center.