

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2009

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Joint Standing Committee on Business, Research and Economic Development

Enacted Law Summary

Resolve 2009, chapter 22 directs the Executive Department, State Planning Office to review existing commercial outdoor lighting standards and make recommendations on standard language that will limit light pollution and encourage the preservation of the area's natural state, as well as identify policy options for promoting outdoor lighting standards for commercial development. It requires the State Planning Office to present its findings in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 15, 2010.

LD 12 **Resolve, Directing the Department of Professional and Financial Regulation To Amend Its Rules Governing Pastoral Counselors**

**RESOLVE 13
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ DAMON	OTP-AM	H-22

This resolve directs the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Counseling Professionals Licensure to amend its rules governing licensed pastoral counselors to provide that the requirement for 400 contact hours in clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education be changed to a requirement for 400 contact hours in clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education or an equivalent organization. The rules as amended pursuant to this resolve apply to an application filed on or after July 1, 2007.

Committee Amendment "A" (H-22)

This amendment requires the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Counseling Professionals Licensure to amend its rules governing licensed pastoral counselors to allow the board to approve educational requirements in a nonaccredited program determined equivalent by the board. This amendment also removes the provision requiring retroactive application of this resolve and provides instead that the rule changes apply only for applications for licensure as a pastoral counselor filed from April 1, 2009 to June 1, 2009. It also provides that any application materials that have been previously submitted to the Board of Counseling Professionals Licensure are not required to be resubmitted for new applications during this time period.

Enacted Law Summary

Resolve 2009, chapter 13 requires the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Counseling Professionals Licensure to amend its rules governing licensed pastoral counselors to allow the board to approve educational requirements in a nonaccredited program determined equivalent by the board. It provides that the rule changes apply only for applications for licensure as a pastoral counselor filed from April 1, 2009 to June 1, 2009. This law also provides that any application materials that have been previously submitted to the Board of Counseling Professionals Licensure are not required to be resubmitted for new applications during this time period.

Resolve 2009, chapter 13 was enacted as an emergency measure effective April 21, 2009.

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**LD 13 An Act To Expand the Diagnostic Functions of Independent Practice
Dental Hygienists ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES MILLS P	ONTP	

This bill expands the diagnostic functions of an independent practice dental hygienist by allowing an independent practice dental hygienist to perform x-rays and to own x-ray equipment.

**LD 47 An Act To Allow the Town of Baldwin To Be Eligible for Full Pine Tree
Development Zone Benefits ONTP**

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

This bill waives the Pine Tree Development Zone unemployment and wage requirements for the Town of Baldwin in Cumberland County in order to allow the town to be eligible for Pine Tree Development Zone benefits.

**LD 50 An Act To Clarify the Definition of Hard Cider for the Purposes of the
Returnable Container Law PUBLIC 110**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N RECTOR	OTP-AM	H-106

This bill amends the definition of wine to include hard cider as it pertains to the State's returnable container law.

Committee Amendment "A" (H-106)

This amendment replaces the bill. It adds hard cider to the definition of "beverage" and adds a new definition for "hard cider" for the purposes of the State's returnable container law.

Enacted Law Summary

Public Law 2009, chapter 110 adds hard cider to the definition of "beverage" and adds a new definition for "hard cider" for the purposes of the State's returnable container law.

Joint Standing Committee on Business, Research and Economic Development

LD 52 An Act To Require Unredeemed Beverage Container Deposits To Be Provided to the State

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L		

Most returnable beverage containers in the State are subject to commingling agreements and, as such, are not currently subject to the provisions that require initiators of the deposits to transfer abandoned deposit amounts to the State. This bill amends current law to capture the abandoned deposit amounts on returnable beverage containers that are subject to commingling agreements and credits 50% of the amount collected from all transfers of abandoned deposit amounts to the Department of Agriculture, Food and Rural Resources to administer the provisions regarding returnable beverage containers. This bill also addresses the same issue historically by requiring an audit to estimate amounts unaccounted for during the last 10 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 an additional daily fine added to the assessment.

LD 58 Resolve, To Suspend Certain Maine State Housing Authority Rules for Low-income Home Energy Assistance Program Grant Applications

ONTP

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

This emergency resolve directs the Maine State Housing Authority to require, until June 30, 2010, program administrators of the Low-income Home Energy Assistance Program to provide a waiver, whenever reasonable, of the personal interview requirement to shorten the application process for benefits under the Low-income Home Energy Assistance Program.

LD 89 An Act To Amend the Laws Concerning Informal Conferences as Part of the Board of Licensure in Medicine's Disciplinary Proceedings

PUBLIC 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-6

This bill would allow a subcommittee of the Board of Licensure in Medicine to request an informal conference with a licensee when the board finds a complaint warrants further action. Currently, only the full board may request an informal conference. This bill is intended to facilitate complaint resolution and disciplinary proceedings.

Committee Amendment "A" (S-6)

This amendment clarifies that the subcommittee of the Board of Licensure in Medicine is authorized to request and conduct an informal conference with the licensee.

Enacted Law Summary

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Public Law 2009, chapter 28 allows a subcommittee of the Board of Licensure in Medicine to request an informal conference with a licensee when the board finds a complaint warrants further action. Currently, only the full board may request an informal conference and this law is intended to facilitate complaint resolution and disciplinary proceedings.

LD 91 An Act To Fund the Maine Downtown Center Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON GOODALL		H-91

This bill includes ongoing General Fund appropriations of \$75,000 per year to recapitalize the Maine Downtown Center.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Committee Amendment "A" (H-91)

This amendment incorporates a fiscal note.

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 93 An Act To Amend the Laws Governing Construction Contracts ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BRYANT B	ONTP	

This bill requires that any action commenced by a contractor or subcontractor to recover payments pursuant to the terms of the Maine Revised Statutes, Title 10, chapter 201-A for work performed pursuant to a home construction contract under Title 10, chapter 219-A must be brought in the county in this State where the construction is located.

LD 94 An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program PUBLIC 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A RECTOR	OTP-AM	H-20

This bill provides authority for the State Board of Nursing to require an applicant for licensure or a licensee to undergo a physical or mental health examination for purposes of determining fitness to practice nursing. The language is consistent with that found in medical and dental statutes.

The bill also provides for an alternative to a discipline program for nurses with substance abuse history by creating a

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nurse health program consistent with those available for other health care providers.

Committee Amendment "A" (H-20)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2009, chapter 47 provides authority for the State Board of Nursing to require an applicant for licensure or a licensee to undergo a physical or mental health examination for purposes of determining fitness to practice nursing. The language is consistent with that found in medical and dental statutes. It also provides for an alternative to a discipline program for nurses with substance abuse history by creating a nurse health program consistent with those available for other health care providers.

LD 156 An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession

PUBLIC 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR PERRY J	OTP	

This bill increases the civil penalty for the unlicensed practice of a trade or profession from not less than \$100 and not more than \$2,000 to not less than \$1,000 and not more than \$5,000.

Enacted Law Summary

Public Law 2009, chapter 44 increases the civil penalty for the unlicensed practice of a trade or profession from not less than \$100 and not more than \$2,000 to not less than \$1,000 and not more than \$5,000.

LD 175 An Act To Modify the Maine Seed Capital Tax Credit Program

LEAVE TO
WITHDRAW

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

This bill modifies the Maine Seed Capital Tax Credit Program administered by the Finance Authority of Maine by changing the requirements for increased credits from businesses located in high unemployment areas to those located in areas of the State classified as Pine Tree Development Zones.

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LD 184 An Act To Allow a Cosmetologist, Barber, Manicurist or Aesthetician Licensee To Perform Services outside of the Primary Business Location

PUBLIC 48

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING R ROSEN R	OTP-AM	H-37

This bill permits a cosmetologist, barber, manicurist or aesthetician licensee to perform services outside the primary business location.

Committee Amendment "A" (H-37)

This amendment replaces the bill and permits a licensed cosmetologist, barber, manicurist or aesthetician to perform limited services outside of a licensed establishment if a special event services permit is first obtained from the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Barbering and Cosmetology. It also directs the board to adopt rules to implement the special event services permit and to specify the types of services that may be performed by a licensee with a special event services permit.

Enacted Law Summary

Public Law 2009, chapter 48 permits a licensed cosmetologist, barber, manicurist or aesthetician to perform limited services outside of a licensed establishment if a special event services permit is first obtained from the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Barbering and Cosmetology. It directs the board to adopt rules to implement the special event services permit and to specify the types of services that may be performed by a licensee with a special event services permit.

LD 201 An Act To License Commercial Painters

**ACCEPTED ONTP
REPORT**

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

This bill establishes the requirement of a commercial painting license for a painter who paints the exterior or interior of buildings and structures for money, unless the painter is a relative, member of the household or employee of the owner or occupier of the building or structure. A licensee must carry appropriate commercial liability and workers' compensation insurance.

Committee Amendment "A" (H-21)

This amendment is the minority report. This amendment transfers funds to the Department of Professional and Financial Regulation, Office of Licensing and Registration to support the costs of the licensing program for commercial painters.

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LD 215 An Act Regarding the Practice of Professional Engineering without a License

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND PERRY J	ONTP	

This bill authorizes the State Board of Licensure for Professional Engineers with the assistance of the Attorney General to enforce provisions of the law regarding the practice of engineering without a license. It also imposes criminal penalties and increases the civil penalties for conducting engineering activities without a license.

LD 232 An Act To Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions

PUBLIC 152

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-186

This bill requires an owner or employee of a retail establishment to make an employee toilet facility available to an individual upon request if that individual has an eligible medical condition as specified in the bill. It includes liability protection for an owner or employee of a retail establishment who provides a customer with an eligible medical condition access to an employee toilet facility.

Committee Amendment "A" (H-186)

This amendment clarifies that a retail establishment is not required to provide access to employee toilet facilities if the request would impose an undue burden on the retail establishment. It also clarifies that liability protection is extended to the retail establishment, as well as the owner and employees, and provides that these requirements may not be construed to limit the rights, remedies and procedures afforded to individuals pursuant to the Maine Human Rights Act. It also removes any civil penalties for a violation.

Enacted Law Summary

Public Law 2009, chapter 152 requires an owner or employee of a retail establishment to make an employee toilet facility available to an individual upon request if that individual has an eligible medical condition as specified in the bill. It includes liability protection for an owner or employee of a retail establishment who provides a customer with an eligible medical condition access to an employee toilet facility. A retail establishment is not required to provide access to employee toilet facilities if the request would impose an undue burden on the retail establishment. It also clarifies that liability protection is extended to the retail establishment, as well as the owner and employees, and provides that these requirements may not be construed to limit the rights, remedies and procedures afforded to individuals pursuant to the Maine Human Rights Act.

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LD 267 An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-156

This bill waives the Pine Tree Development Zone unemployment and wage requirements for the Town of Baldwin in Cumberland County in order to allow the town to be eligible for Pine Tree Development Zone benefits.

Committee Amendment "A" (S-156)

This amendment incorporates a fiscal note.

LD 270 An Act To Allow a Gasoline Retailer To Offer Discounts to Customers Who Pay by Cash or Similar Means

ONTP

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

This bill establishes that motor fuel franchise agreements in Maine may not prohibit a retail dealer or distributor from offering a discount to a buyer to induce the buyer to pay by cash, debit card, check or similar means rather than by credit card. The bill also provides that any provision in such a franchise agreement prohibiting a retail dealer or distributor of motor fuels from offering such a discount is void and without effect as contrary to public policy.

LD 271 An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts

**PUBLIC 21
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD GOODALL	OTP-AM	H-36

This bill establishes a waiver of certain Pine Tree Development Zone qualification requirements for property that is within a working waterfront that has sustained a 5% loss of employed workers during the 16-month period immediately preceding the time of application, as long as the loss was caused by a catastrophic occurrence. The bill requires that an application for a waiver must be received by August 1, 2011. The bill also states that only a qualified business whose primary purpose is to support the State's working waterfront industry is eligible to receive Pine Tree Development Zone benefits.

Committee Amendment "A" (H-36)

This amendment removes that section of the bill that established a waiver of certain requirements and instead adds a provision to allow a qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry that has suffered from a catastrophic occurrence to apply for an adjustment of the base

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level of employment for purposes of determining Pine Tree Development Zone benefits if it meets the following criteria: it is located on a working waterfront in a Pine Tree Development Zone; it has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and it has appropriate infrastructure and zoning or other land use regulations in place. The amendment provides that the definition of "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence. It requires a qualified business to apply for an adjustment of the base level of employment within 16 months of the catastrophic occurrence and any applications under this provision must be received by the Department of Economic and Community Development by August 1, 2011. The amendment also cross-references this definition in the laws governing employment tax increment financing benefits.

Enacted Law Summary

Public Law 2009, chapter 21 allows a qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry that has suffered from a catastrophic occurrence to apply for an adjustment of the base level of employment for purposes of determining Pine Tree Development Zone benefits if it meets the following criteria: it is located on a working waterfront in a Pine Tree Development Zone; it has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and it has appropriate infrastructure and zoning or other land use regulations in place. It provides that the definition of "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence. It requires a qualified business to apply for an adjustment of the base level of employment within 16 months of the catastrophic occurrence and any applications under this provision must be received by the Department of Economic and Community Development by August 1, 2011. The law also cross-references this definition in the laws governing employment tax increment financing benefits.

Public Law 2009, chapter 21 was enacted as an emergency measure effective April 9, 2009.

LD 272 An Act To License Home Building and Improvement Contractors Carried Over

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

This bill creates the Maine Home Contractor Licensing Act. The bill contains provisions concerning: requirements for licensure of general contractors and persons who perform framing, roofing, siding, insulating, window work or chimney work, if the work concerns residential dwellings; certain specific exemptions from licensure; required qualifications for general and specialty licenses; requirements for criminal and financial disclosures; creation of the Maine Home Contractor Licensing Board; and fees for licensing.

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 281 An Act To Amend the Licensing Requirements for Speech-language Pathology Assistants ONTP

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

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This bill specifically provides that an applicant for licensure as a speech-language pathology assistant may hold a degree higher than an associate degree and exempts applicants holding a bachelor of science degree from any practicum requirements that may be applicable to applicants who hold associate degrees.

LD 307 An Act To Amend the Laws Governing Payment for Prearranged Funeral Services ONTP

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

Current law prohibits a funeral home or funeral establishment from soliciting a prearranged funeral service or plan for any person or persons. This bill repeals that prohibition.

LD 317 An Act to Facilitate Repairs to the Saco River Retaining Wall ONTP

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

This bill provides a one-time General Fund appropriation in fiscal year 2009-10 to the City of Biddeford to repair the Saco River retaining wall in the City of Biddeford.

LD 346 An Act To Improve Elevator Safety ONTP

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

This bill requires that work on elevators in industrial and manufacturing plants must be done by a person that is licensed as an elevator or lift mechanic.

LD 347 An Act To Reduce Regulatory Costs for Maine Businesses ACCEPTED ONTP REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH D	ONTP MAJ OTP-AM MIN	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to reduce regulatory costs for businesses in the State by establishing a council on private sector regulatory costs composed of private sector business leaders.

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The council would:

1. Have the power to compel staffing from any state agency;
2. Have the authority to compel a state agency to cooperate with the council in developing a new regulatory regime for State Government;
3. Develop a new approach to regulation of private sector businesses based on broad principles rather than specific rules and regulations; and
4. Report its findings and recommendations for the implementation of principle-based regulation to the Legislature by December 1, 2009.

Committee Amendment "A" (S-269)

This amendment is the minority report of the committee and replaces the bill. It establishes the Small Business Regulatory Advocate in order to assist small businesses in resolving problems with state agencies and business owners that face hardship as a result of actions taken by a regulatory agency. It also requires that the advocate must be an individual from the Executive Department, State Planning Office who provides technical assistance to the Maine Regulatory Fairness Board. It further requires the advocate to identify areas in which small businesses have problems in dealings with state agencies, propose changes in the administrative practices of state agencies to mitigate those identified problems and identify potential legislative changes that may be appropriate to mitigate such problems. The amendment also adds an appropriations and allocations section.

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

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

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.

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 366 An Act To Protect Confidential Consumer Records in Self-service Storage Facilities ONTP

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

This bill requires self-service storage facilities to register with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. As part of this registration, self-service storage facilities must

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give identifying information and submit a personal records disposal plan subject to the Bureau of Consumer Credit Protection's approval. Self-service storage facilities may not dispose of property left by an occupant in any manner that does not comply with their personal records disposal plan. Self-service storage facilities are required to notify the bureau and follow the security breach notification laws if there is a security breach or if personal records are otherwise unintentionally released to the public. This bill gives the Bureau of Consumer Credit Protection administrative authority over self-service storage facilities.

LD 370 An Act To Allow Mixed Martial Arts Competitions in Maine

ONTP

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

This bill allows mixed martial arts matches, competitions and exhibitions to be held in Maine.

LD 397 An Act To Amend the Laws Governing Bottle Redemption

PUBLIC 405

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM A OTP-AM B ONTP C	H-564 HUNT S-270

This bill increases the handling fee for beverage containers by one cent to at least 4 1/2¢ for containers picked up on or after October 1, 2009. This bill also provides that, effective September 1, 2010, the Department of Agriculture, Food and Rural Resources is established as the agent of the State for purposes of administering the laws governing manufacturers, distributors and dealers of beverage containers and will be responsible for initiating all deposits on beverage containers sold or offered for sale in this State, as well as the reimbursement of costs associated with handling beverage containers. This bill directs the Department of Agriculture, Food and Rural Resources to submit draft legislation to implement this provision to the Joint Standing Committee on Business, Research and Economic Development by December 1, 2009. It also authorizes the joint standing committee to submit legislation to accomplish the objectives of this provision to the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (S-270)

This amendment is the majority report of the committee. It provides an exception for reverse vending machines from the 1¢ increase of the handling fee for beverage containers proposed in the bill. It also removes the provision of bill that would have established the Department of Agriculture, Food and Rural Resources as the agent of the State for purposes of bottle redemption.

Committee Amendment "B" (S-271)

This amendment is the minority report of the committee. It increases the handling fee for beverage containers by 1/2¢, instead of 1¢ as proposed in the bill. It also removes the provision of the bill that would have established the Department of Agriculture, Food and Rural Resources as the agent of the State for purposes of bottle redemption.

Senate Amendment "A" To Committee Amendment "B" (S-281)

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This amendment makes the following changes to the beverage container laws:

1. It raises the handling fee on beverage containers to 4¢ for containers picked up on or after March 1, 2010;
2. It limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain other licensed entities or certain reverse vending machines and may be waived if the applicant shows a compelling need;
3. It requires any person who tenders more than 2,500 beverage containers for redemption at any dealer or redemption center to provide a name, address and license plate number and requires that the information be forwarded to the Department of Agriculture, Food and Rural Resources and kept on file for a minimum of one year;
4. It clarifies that the redemption center is responsible for the plastic bags used for the return of beverage containers and that the bags must be of a specific size and thickness, to be determined by rule by the department;
5. Current law provides for the redemption of beverage containers that contain 4 liters or less of a beverage. This amendment changes that amount to 2 liters or less;
6. It requires that, in adopting rules for licensing redemption centers, the department consider the proximity of the proposed redemption center to existing redemption centers, the potential impact that the location of the proposed redemption center may have on an existing redemption center, the owner's record of compliance and the hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center; and
7. It requires the department to notify applicants denied a license for a redemption center of the reasons for the denial and provides a procedure for appeal.

House Amendment "C" To Committee Amendment "A" (H-564)

This amendment makes the following changes to the beverage container laws:

1. It raises the handling fee on beverage containers to 4¢ for containers picked up on or after March 1, 2010;
2. It limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain other licensed entities or certain reverse vending machines and may be waived if the applicant shows a compelling need;
3. It requires any person who tenders more than 2,500 beverage containers for redemption at any dealer or redemption center to provide a name, address and license plate number and requires that the information be forwarded to the Department of Agriculture, Food and Rural Resources and kept on file for a minimum of one year;
4. It clarifies that the redemption center is responsible for the plastic bags used for the return of beverage containers and authorizes the department to adopt rules regarding the cost allocation, size and gauge of the bags;
5. It requires that, in adopting rules for licensing redemption centers, the department consider the proximity of the proposed redemption center to existing redemption centers, the potential impact that the location of the proposed redemption center may have on an existing redemption center, the owner's record of compliance and the hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center; and
6. It requires the department to notify applicants denied a license for a redemption center of the reasons for the denial and provides a procedure for appeal.

Enacted Law Summary

Joint Standing Committee on Business, Research and Economic Development

Public Law 2009, chapter 405 makes the following changes to the beverage container laws:

1. It raises the handling fee on beverage containers to 4¢ for containers picked up on or after March 1, 2010;
2. It limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain other licensed entities or certain reverse vending machines and may be waived if the applicant shows a compelling need;
3. It requires any person who tenders more than 2,500 beverage containers for redemption at any dealer or redemption center to provide a name, address and license plate number and requires that the information be forwarded to the Department of Agriculture, Food and Rural Resources and kept on file for a minimum of one year;
4. It clarifies that the redemption center is responsible for the plastic bags used for the return of beverage containers and authorizes the department to adopt rules regarding the cost allocation, size and gauge of the bags;
5. It requires that, in adopting rules for licensing redemption centers, the department consider the proximity of the proposed redemption center to existing redemption centers, the potential impact that the location of the proposed redemption center may have on an existing redemption center, the owner's record of compliance and the hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center; and
6. It requires the department to notify applicants denied a license for a redemption center of the reasons for the denial and provides a procedure for appeal.

LD 411 An Act To Increase the Redemption Fee on Sorting and Handling

ONTP

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

This bill increases the reimbursement to dealers or local redemption centers from 3¢ and 3 1/2¢ to 5¢ per returned container.

LD 419 Resolve, To Increase Access to Dental Care in Rural Areas through Encouraging Distance Learning for Dental Hygienist Training

ONTP

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

This resolve requires the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Dental Examiners to establish a new dental hygienist licensing category that will accept alternative educational instruction programs, including qualified distance learning programs, instructional television networks and nontraditional clinical instructors, with the goal of providing students in distant locations across the State access to the training required to be a licensed dental hygienist. The Board of Dental Examiners is required to establish the qualifications and scope of practice for this new licensing category, which must include 2 years of experience as a dental assistant as well as sponsorship from a licensed Maine dentist. This resolve also requires the Board of Dental

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Examiners to report on its progress in establishing the new licensing category to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2010. The joint standing committee is authorized to submit legislation related to this report.

**LD 420 An Act To Amend Certain Laws Related to the Department of
Agriculture, Food and Rural Resources, Division of Quality Assurance
and Regulation**

PUBLIC 192

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J R	OTP-AM	H-224

This bill amends laws related to quality assurance and regulations administered by the Department of Agriculture, Food and Rural Resources.

1. The bill phases in the requirement for automatic temperature compensating meters on vehicles making retail deliveries of petroleum products.
2. The bill requires that whenever an item is advertised for retail sale a declaration of the price must be either on each item, on the shelf on which the item is located or on a placard placed adjacent to the item.
3. The bill adopts nationally recognized standards and specifications for engine fuels, petroleum products and lubricants.

Committee Amendment "A" (H-224)

This amendment specifies the type of delivery vehicles that must be equipped with automatic temperature compensating meters and clarifies that the temperature compensators must be in use throughout the year. It also amends the bill to clarify that the display requirements for retail sale apply to packaged or consumer commodities.

Enacted Law Summary

Public Law 2009, chapter 192 makes the following changes to the laws related to quality assurance and regulations administered by the Department of Agriculture, Food and Rural Resources:

1. It phases in the requirement for automatic temperature compensating meters on vehicles making retail deliveries of petroleum products;
2. It requires that whenever an item is advertised for retail sale a declaration of the price must be either on each item, on the shelf on which the item is located or on a placard placed adjacent to the item;
3. It adopts nationally recognized standards and specifications for engine fuels, petroleum products and lubricants;
4. It specifies the type of delivery vehicles that must be equipped with automatic temperature compensating meters and clarifies that the temperature compensators must be in use throughout the year; and
5. It clarifies that the display requirements for retail sale apply to packaged or consumer commodities.

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LD 421 An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists

PUBLIC 318

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N MILLS P	OTP-AM A ONTP B OTP-AM C	H-326

This bill amends the experience requirements for licensure of independent practice dental hygienists. It makes the initial licensure requirements less stringent, which will broaden the pool of potential qualified applicants and potentially increase access to care for Maine citizens.

Committee Amendment "A" (H-326)

This amendment is the majority report of the committee. It removes the changes to the experience requirements for licensure as an independent practice dental hygienist proposed in the bill, which allowed an applicant to fulfill the experience requirements through work hours in any dental practice setting approved by the Board of Dental Examiners, and instead amends the experience requirements to:

1. Specify that an applicant's degree from a dental hygiene program must be a degree in dental hygiene;
2. With respect to applicants with a bachelor's degree, require that an applicant have 2,000 work hours of clinical practice, either in a private dental practice or a nonprofit dental clinic under direct or general supervision of a dentist, during the 4 years preceding application. Current law requires one year or 2,000 hours of clinical practice in a private dental practice during the 2 years preceding application; and
3. With respect to applicants with an associate degree, require that an applicant have 5,000 work hours of clinical practice, either in a private dental practice or a nonprofit dental clinic under direct or general supervision of a dentist, during the 6 years preceding application. Current law requires 3 years or 6,000 hours of clinical practice in a private dental practice during the 6 years preceding application.

Enacted Law Summary

Public Law 2009, chapter 318 amends the experience requirements for licensure as an independent practice dental hygienist to:

1. Specify that an applicant's degree from a dental hygiene program must be a degree in dental hygiene;
2. With respect to applicants with a bachelor's degree, require that an applicant have 2,000 work hours of clinical practice, either in a private dental practice or a nonprofit dental clinic under direct or general supervision of a dentist, during the 4 years preceding application. Current law requires one year or 2,000 hours of clinical practice in a private dental practice during the 2 years preceding application; and
3. With respect to applicants with an associate degree, require that an applicant have 5,000 work hours of clinical practice, either in a private dental practice or a nonprofit dental clinic under direct or general supervision of a dentist, during the 6 years preceding application. Current law requires 3 years or 6,000 hours of clinical practice in a private dental practice during the 6 years preceding application.

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LD 440 **An Act Regarding Exceptions to the Maine Uniform Building and Energy Code** **ONTP**

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

This bill adds residential single family and 2-unit homes to the list of structures that are exempt from the requirements of the Maine Uniform Building and Energy Code.

LD 469 **An Act To Strengthen Rural Community Investment** **ONTP**

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

This bill requires Maine Rural Partners to:

1. Complete pilot projects underway in the Town of Strong and Washington County to build innovative strategic plans and to create community investment mechanisms;
2. Prepare an analysis of the potential for attracting and leveraging investment in rural Maine communities; and
3. Make recommendations to the Legislature and Governor regarding methods of encouraging such investment.

LD 500 **An Act To Include as Authorized Project Costs the Construction or Improvement of Buildings Used by Municipalities for Purposes of Designating Municipal Development Districts** **PUBLIC 126**

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

This bill includes the costs of construction or improvement of buildings leased by State Government or a municipal government that are located in downtown tax increment financing districts in authorized project costs of a development program.

Enacted Law Summary

Public Law 2009, chapter 126 includes the costs of construction or improvement of buildings leased by State Government or a municipal government that are located in downtown tax increment financing districts in authorized project costs of a development program.

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LD 504 An Act To Enhance Economic Development in Rural Maine ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.
This bill seeks to enhance economic development in rural Maine.

LD 519 An Act To Expand the Diagnostic Function of Denturists ONTP

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

This bill allows the taking of x-rays by qualified denturists.

LD 544 An Act To Amend the Laws Governing Returnable Beverage Containers ONTP

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

This bill requires that the refund value of all returnable beverage containers is 5¢.

LD 565 Resolve, To Direct the Board of Dental Examiners To Review the Definition of "Edentulous Arch" in the Rules Governing Denturists RESOLVE 34

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW JACKSON	OTP-AM	H-108

This bill defines the term "edentulous arch" to mean a maxillary or mandibular arch that is devoid of or absent any teeth or roots, but that may include implants.

Committee Amendment "A" (H-108)

This amendment replaces the bill with a resolve that directs the Board of Dental Examiners to review the definition of "edentulous arch" in its rules governing denturists. It also directs the board to provide a summary of this review

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and any changes made as a result in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 30, 2010.

Enacted Law Summary

Resolve 2009, chapter 34 directs the Board of Dental Examiners to review the definition of "edentulous arch" in its rules governing denturists. It also directs the board to provide a summary of this review and any changes made as a result in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 30, 2010.

LD 566 An Act To Amend the Petroleum Market Share Act

PUBLIC 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUNT	OTP-AM	H-69

This bill changes the reporting date for the Attorney General's report to the Legislature describing the concentration of petroleum service stations or gas stations in the State from annually on December 31st to April 1st every 3 years or sooner at the discretion of the Attorney General.

Committee Amendment "A" (H-69)

This amendment changes the annual reporting requirement for the Attorney General's report to the Legislature pursuant to the Petroleum Market Share Act to require that the report be submitted to the Legislature every 2 years, beginning April 1, 2010. The bill proposed requiring the report to be submitted every 3 years. The amendment also requires the Attorney General to post the aggregate data collected pursuant to the Petroleum Market Share Act on the Attorney General's publicly accessible website on an annual basis, beginning April 1, 2010.

Enacted Law Summary

Public Law 2009, chapter 119 changes the annual reporting requirement for the Attorney General's report to the Legislature pursuant to the Petroleum Market Share Act to require that the report be submitted to the Legislature every 2 years, beginning April 1, 2010. The law also requires the Attorney General to post the aggregate data collected pursuant to the Petroleum Market Share Act on the Attorney General's publicly accessible website on an annual basis, beginning April 1, 2010.

LD 598 An Act To Protect Private Enterprise from Tax-subsidized Competition by Imposing Requirements on Certain Postsecondary Institutions

ONTP

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

This bill requires that state-supported postsecondary institutions obtain the same licenses, certification and registrations required of a private corporation or business that does not receive state financial assistance if the postsecondary institution competes with a private corporation or business that does not receive state financial assistance and obtain a seller's registration certificate.

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LD 612 An Act To Assist Small Businesses with Creating Jobs

INDEF PP

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

This bill is a concept draft pursuant to Joint Rule 208.
 This bill proposes to assist small businesses with the creation of jobs and increased employment.

LD 613 An Act To Recruit Businesses from Other States

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.
 This bill proposes to enact measures designed to recruit business from other states.

LD 622 An Act To Promote the Accessibility and Use of Reusable Bags

ONTP

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

This bill requires a retailer who has 30,000 square feet or more of retail sales area to provide a bag made out of cloth or other durable fabric to bag products at the point of retail sale to a customer at the request of that customer and at no charge to the customer at least twice a year.

LD 630 An Act To Update and Streamline State Licensing Laws and Clarify the Process for Appealing Final Decisions of Certain Licensing Entities

PUBLIC 112

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COHEN SCHNEIDER	OTP-AM	H-107

This bill contains various updating and streamlining provisions. It corrects a cross-reference in the Charitable Solicitations Act and grants state electrical inspectors authority to issue an order of correction to an electrician when violations to the National Electrical Code are found. Currently, electrical inspectors can only issue orders of correction to homeowners. It removes a reference to the National Electrical Code in the licensure requirements for a limited electrician in low energy.

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The bill eliminates the requirement for licensed podiatrists, chiropractors, radiologic technologists, physical therapists and real estate appraisers to publicly display licenses and repeals the license display requirement from the Maine Revised Statutes, Title 10. It also eliminates the sworn statement requirement for the applications for licensure for interpreters for deaf and hard-of-hearing persons. It clarifies language concerning podiatric assistants. It also grants authority to licensed psychologists and audiologists to use assistive personnel in the practice setting. It corrects the quorum requirement for the Board of Counseling Professionals Licensure and the State Board of Alcohol and Drug Counselors. It also changes professional qualification requirements for real estate brokers and real estate appraisers and amends the definition of "federally related transaction" in the Real Estate Appraisal Licensing and Certification Act to comply with federal law.

The bill clarifies that appeals from final decisions of licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration, including decisions to suspend or revoke a license, are to the Maine Superior Court. It also clarifies that appeals to the Superior Court are based on the record made by the licensing entity. Finally, the bill clarifies that conviction of a crime may be considered in license denial matters to the extent permitted by the occupational license disqualification law.

Committee Amendment "A" (H-107)

This amendment amends the law to clarify that appellate jurisdiction to review disciplinary decisions of the occupational licensing boards and commissions under the Office of Licensing and Registration will lie with the Superior Court in order to accomplish the intent of the bill.

Enacted Law Summary

Public Law 2009, chapter 112 contains various updating and streamlining provisions. It corrects a cross-reference in the Charitable Solicitations Act and grants state electrical inspectors authority to issue an order of correction to an electrician when violations to the National Electrical Code are found. Currently, electrical inspectors can only issue orders of correction to homeowners.

The law removes a reference to the National Electrical Code in the licensure requirements for a limited electrician in low energy. It eliminates the requirement for licensed podiatrists, chiropractors, radiologic technologists, physical therapists and real estate appraisers to publicly display licenses and repeals the license display requirement from the Maine Revised Statutes, Title 10. It also eliminates the sworn statement requirement for the applications for licensure for interpreters for deaf and hard-of-hearing persons. It clarifies language concerning podiatric assistants.

It also grants authority to licensed psychologists and audiologists to use assistive personnel in the practice setting. It corrects the quorum requirement for the Board of Counseling Professionals Licensure and the State Board of Alcohol and Drug Counselors. It also changes professional qualification requirements for real estate brokers and real estate appraisers and amends the definition of "federally related transaction" in the Real Estate Appraisal Licensing and Certification Act to comply with federal law.

The law clarifies that appeals from final decisions of licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration, including decisions to suspend or revoke a license, are to the Maine Superior Court. It clarifies that appeals to the Superior Court are based on the record made by the licensing entity. Finally, the law provides that conviction of a crime may be considered in license denial matters to the extent permitted by the occupational license disqualification law.

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LD 652 An Act To Clarify the Maine Uniform Building and Energy Code

PUBLIC 261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILES	OTP-AM	H-301

This bill amends the law governing the Maine Uniform Building and Energy Code.

1. It specifically provides that a local ordinance is not inconsistent with the Maine Uniform Building and Energy Code if the local ordinance implements a provision of one of the national codes upon which the Maine Uniform Building and Energy Code was based, but that was not included in the Maine Uniform Building and Energy Code.
2. It specifically exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to the Maine Revised Statutes, Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code.
3. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review such a report for accuracy.
4. It changes from June 1, 2010 to July 1, 2010 the date by which a municipality that has adopted a building code by August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy Code.
5. It requires the Executive Department, State Planning Office to publish a list by January 1, 2010 of those municipalities that must begin enforcement of the Maine Uniform Building and Energy Code by July 1, 2010.
6. It specifies that, for purposes of determining an enforcement date, life safety and fire codes are not considered building codes.
7. It directs the Technical Building Codes and Standards Board to review issues regarding the 3rd-party inspector concept and make any recommendations that will enhance the viability of this enforcement option.

Committee Amendment "A" (H-301)

This amendment replaces the bill. Part A provides the following changes to the Maine Uniform Building and Energy Code:

1. It changes from July 1, 2010 to December 1, 2010 the date by which a municipality that has more than 2,000 residents that has adopted any building code by August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy Code;
2. It changes from July 1, 2010 to December 1, 2010 the date that the Maine Uniform Building and Energy Code becomes the successor to all adopted building, energy and radon codes and standards, and extends from January 1, 2010 to June 1, 2010 the effective date for code enforcement officers to become certified in the Maine Uniform Building and Energy Code standards;
3. It adds a definition for building codes that were adopted by municipalities prior to the Maine Uniform Building and Energy Code to clarify which municipalities will trigger the staggered enforcement provisions;

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4. It exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code;
5. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review the report for accuracy;
6. It changes the date that the Technical Building Codes and Standards Board is required to adopt the Maine Uniform Building and Energy Code from January 1, 2010 to no later than June 1, 2010 and similarly extends the date that building construction and renovation projects may utilize either the Maine Uniform Building and Energy Code or existing building and energy codes adopted by any political subdivision of the State from between January 1, 2010 and July 1, 2010 to between June 1, 2010 and December 1, 2010;
7. It changes the Technical Building Codes and Standards Board annual reporting date from December 31st each year to January 31st each year, beginning in 2011, which requires the board to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards, proposals to improve the efficiency and effectiveness of those codes and standards and alternative methods of funding for the board to create an equitable source of revenue;
8. It requires the Technical Building Codes and Standards Board to review issues regarding 3rd-party inspectors and inspections, including, but not limited to, tort claims protection, and make any recommendations for changes to the law, including any necessary implementing legislation, to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2010; and
9. It also provides the Department of Professional and Financial Regulation with an extension until December 1, 2010 to provide the report that is required pursuant to Resolve 2007, chapter 219 on the issue of residential contractor licensing.

Part B resolves errors and potential conflicts created by enactment of Public Law 2007, chapter 699, which through a revision clause attempted to change references to the position of inspector of buildings to the position of building official. In some instances a direct replacement by revision clause was impossible because the terminology to be changed was not exactly the same as that specified in the revision clause. In some instances where substantive changes were made in the public law in a section having a postponed effective date, changing the terminology by revision clause would have created a future conflict. This Part also incorporates changes contained in Part A.

Enacted Law Summary

Public Law 2009, chapter 261 amends the Maine Uniform Building and Energy Code. Part A of the law makes the following changes:

1. It changes from July 1, 2010 to December 1, 2010 the date by which a municipality that has more than 2,000 residents that has adopted any building code by August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy Code;
2. It changes from July 1, 2010 to December 1, 2010 the date that the Maine Uniform Building and Energy Code becomes the successor to all adopted building, energy and radon codes and standards, and extends from January 1, 2010 to June 1, 2010 the effective date for code enforcement officers to become certified in the Maine Uniform Building and Energy Code standards;
3. It adds a definition for building codes that were adopted by municipalities prior to the Maine Uniform Building and Energy Code to clarify which municipalities will trigger the staggered enforcement provisions;

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4. It exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code;
5. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review the report for accuracy;
6. It changes the date that the Technical Building Codes and Standards Board is required to adopt the Maine Uniform Building and Energy Code from January 1, 2010 to no later than June 1, 2010 and similarly extends the date that building construction and renovation projects may utilize either the Maine Uniform Building and Energy Code or existing building and energy codes adopted by any political subdivision of the State from between January 1, 2010 and July 1, 2010 to between June 1, 2010 and December 1, 2010;
7. It changes the Technical Building Codes and Standards Board annual reporting date from December 31st each year to January 31st each year, beginning in 2011, which requires the board to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards, proposals to improve the efficiency and effectiveness of those codes and standards and alternative methods of funding for the board to create an equitable source of revenue;
8. It requires the Technical Building Codes and Standards Board to review issues regarding 3rd-party inspectors and inspections, including, but not limited to, tort claims protection, and make any recommendations for changes to the law, including any necessary implementing legislation, to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2010; and
9. It also provides the Department of Professional and Financial Regulation with an extension until December 1, 2010 to provide the report that is required pursuant to Resolve 2007, chapter 219 on the issue of residential contractor licensing.

Part B resolves errors and potential conflicts created by enactment of Public Law 2007, chapter 699, which through a revision clause attempted to change references to the position of inspector of buildings to the position of building official. In some instances a direct replacement by revision clause was impossible because the terminology to be changed was not exactly the same as that specified in the revision clause. In some instances where substantive changes were made in the public law in a section having a postponed effective date, changing the terminology by revision clause would have created a future conflict. This Part also incorporates changes contained in Part A.

LD 673 An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States

PUBLIC 53

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

This bill helps ensure that a Maine consumer who purchases a vehicle that had been returned to the manufacturer pursuant to another state's lemon law is notified of this fact if that information is known to the dealer before the consumer decides to purchase the motor vehicle.

Enacted Law Summary

Public Law 2009, chapter 53 helps to ensure that a Maine consumer who purchases a vehicle that had been returned

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to the manufacturer pursuant to another state's lemon law is notified of this fact if that information is known to the dealer before the consumer decides to purchase the motor vehicle.

**LD 683 An Act To Promote Cost-effective and Broad-based Vision Care for
Maine Citizens by Clarifying the Scope of Prescription Authority by an
Optometrist**

PUBLIC 195

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-147

This bill amends several provisions of the laws governing optometrists to clarify the scope of prescription authority, particularly regarding the sale and dispensing of therapeutic lenses. It also clarifies rule-making authority of the State Board of Optometry and the use of therapeutic drugs.

Committee Amendment "A" (S-147)

This amendment replaces the bill and clarifies that optometrists may not administer therapeutic drugs by injection, other than for emergency treatment of anaphylaxis, provides optometrists with the authority to dispense or sell contact lenses that contain and deliver pharmaceutical agents that are authorized under the Maine Revised Statutes, Title 32, chapter 34-A, removes restrictions on prescribing certain oral therapeutic drugs and provides an optometrist with an advanced therapeutic license the authority to use and prescribe any therapeutic pharmaceutical agent, including any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases, except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received an advanced therapeutic license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812. The amendment also provides the standards pursuant to which optometrists are authorized to independently treat glaucoma.

Enacted Law Summary

Public Law 2009, chapter 195 amends several provisions of the laws governing optometrists to clarify that optometrists may not administer therapeutic drugs by injection, other than for emergency treatment of anaphylaxis, provides optometrists with the authority to dispense or sell contact lenses that contain and deliver pharmaceutical agents that are authorized under the Maine Revised Statutes, Title 32, chapter 34-A, removes restrictions on prescribing certain oral therapeutic drugs and provides an optometrist with an advanced therapeutic license the authority to use and prescribe any therapeutic pharmaceutical agent, including any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases, except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received an advanced therapeutic license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812. The law also provides the standards pursuant to which optometrists are authorized to independently treat glaucoma.

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LD 695 An Act To Streamline Health Care Services in Maine by Allowing Certified Nurse Practitioners and Certified Nurse Midwives To Verify Medical Papers and Records

PUBLIC 259

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BRANNIGAN	OTP	

This bill allows a certified nurse practitioner or a certified nurse midwife to sign, certify, stamp, verify or endorse medical papers and records within the scope of practice of a certified nurse practitioner or a certified nurse midwife. The provision does not modify the scope of practice of a certified nurse practitioner or a certified nurse midwife.

Enacted Law Summary

Public Law 2009, chapter 259 allows a certified nurse practitioner or a certified nurse midwife to sign, certify, stamp, verify or endorse medical papers and records within the scope of practice of a certified nurse practitioner or a certified nurse midwife. The provision does not modify the scope of practice of a certified nurse practitioner or a certified nurse midwife.

LD 696 Resolve, To Reclaim Past Unredeemed Beverage Container Deposits

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L PERRY J		

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.

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 710 An Act To Allow Qualified, Licensed Denturists To Practice to the Level of Their Educational Training

PUBLIC 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW TRAHAN	OTP-AM	H-272

This bill defines the term "denture" to include full or partial upper or lower prosthetic dental appliances to be worn in the human mouth to replace any missing natural teeth, which will permit denturists to make and fit partial dental appliances.

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Committee Amendment "A" (H-272)

This amendment clarifies the definition of "practice of denturism" to include the fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure. It allows a denturist, upon the receipt of a written statement of oral condition by a licensed dentist, to complete clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks. It also amends the requirements for licensure as a denturist to require that, beginning October 1, 2009, in addition to the examination, all applicants must be graduates of a board-approved denturism postsecondary institution. Denturists licensed in this State prior to October 1, 2009 that do not have a diploma from a board-approved denturism postsecondary institution are required to successfully complete an upgraded curriculum approved by the board within 2 years before a license may be issued or renewed.

Enacted Law Summary

Public Law 2009, chapter 227 clarifies the definition of "practice of denturism" to include the fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure. It allows a denturist, upon the receipt of a written statement of oral condition by a licensed dentist, to complete clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks.

The law amends the requirements for licensure as a denturist to require that, beginning October 1, 2009, in addition to the examination, all applicants must be graduates of a board-approved denturism postsecondary institution. Denturists licensed in this State prior to October 1, 2009 that do not have a diploma from a board-approved denturism postsecondary institution are required to successfully complete an upgraded curriculum approved by the board within 2 years before a license may be issued or renewed.

LD 718 An Act Concerning Cremated Remains

PUBLIC 39

Sponsor(s)

PRATT

Committee Report

OTP

Amendments Adopted

This bill decreases the time that a funeral director must keep cremated remains from 4 years to one year. The bill also replaces the word "cremains" with "cremated remains."

Enacted Law Summary

Public Law 2009, chapter 39 decreases the time that a funeral director must keep cremated remains from 4 years to one year. The law also replaces the word "cremains" with "cremated remains."

LD 731 An Act To Designate Cumberland County as a Pine Tree Development Zone

ONTP

Sponsor(s)

BARTLETT

Committee Report

ONTP

Amendments Adopted

Joint Standing Committee on Business, Research and Economic Development

This bill waives the Pine Tree Development Zone unemployment and wage requirements for Cumberland County in order to allow the county to be eligible for Pine Tree Development Zone benefits.

LD 733 Resolve, To Examine Environmental Effects of the Resource Recovery System

RESOLVE 130

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM MAJ OTP-AM MIN	S-195 S-284 SCHNEIDER

This resolve is a concept draft pursuant to Joint Rule 208. It proposes to review and evaluate the beverage container laws in the context of existing municipal recycling programs with a focus on the environmental effects that these laws and programs generate. The review will include an assessment of:

1. Current recycling rates;
2. The carbon footprints created by the beverage recycling laws and municipal recycling programs;
3. Comprehensive recycling programs in the State;
4. Barriers to comprehensive recycling;
5. Alternative models of sustainability;
6. Energy and economic efficiencies;
7. The effect of educational programs on recycling rates; and
8. Litter prevention and waste reduction efforts.

Committee Amendment "A" (S-195)

This amendment is the majority report of the committee. It replaces the bill, which was a concept draft, with a resolve that directs the Executive Department, State Planning Office, in conjunction with the Department of Agriculture, Food and Rural Resources to oversee a 2-year study to be performed by an independent private entity to review the State's beverage container laws in the context of existing municipal recycling programs, with a focus on the environmental effects that these laws and programs generate. The resolve requires the State Planning Office and the Department of Agriculture, Food and Rural Resources to engage the assistance of an expert consultant in the field of municipal recycling programs and their environmental effects to assist in the development of the request for proposals for the study. The resolve also provides that if private funds from outside sources for the expert consultant and study are received by January 15, 2010, the study must be completed no later than January 15, 2012, unless a one-year extension is necessary to complete the study. It requires the State Planning Office and the Department of Agriculture, Food and Rural Resources to notify the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as soon as outside funding for the study is received and to provide the committee with an interim report on the status of the study by January 15, 2011.

This amendment also adds an appropriations and allocations section.

Committee Amendment "B" (S-196)

Joint Standing Committee on Business, Research and Economic Development

This amendment is the minority report of the committee. It replaces the bill, which was a concept draft, with a resolve that directs the Executive Department, State Planning Office, in conjunction with the Department of Agriculture, Food and Rural Resources to oversee a 2-year study to be performed by an independent private entity to review the State's beverage container laws in the context of existing municipal beverage container recycling programs, with a focus on the environmental effects that these laws and programs generate. The resolve requires the State Planning Office and the Department of Agriculture, Food and Rural Resources to engage the assistance of an expert consultant in the field of municipal beverage container recycling programs and their environmental effects to assist in the development of the request for proposals for the study. The resolve also provides that if private funds from outside sources for the expert consultant and study are received by January 15, 2010, the study must be completed no later than January 15, 2012, unless a one-year extension is necessary to complete the study. It requires the State Planning Office and the Department of Agriculture, Food and Rural Resources to notify the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as soon as outside funding for the study is received and to provide the committee with an interim report on the status of the study by January 15, 2011.

This amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-284)

This amendment provides that a 5-member work group consisting of the Director of the State Planning Office within the Executive Department or the director's designee, the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee, the Commissioner of Environmental Protection or the commissioner's designee, the Commissioner of Economic and Community Development or the commissioner's designee and a representative of the Maine Municipal Association oversee a 2-year study to be performed by an independent private entity to review the focus on the environmental effects that laws and programs regarding recycling have generated. The representatives of the State Planning Office and the Department of Agriculture, Food and Rural Resources shall serve as cochairs of the work group. The work group shall engage the assistance of a qualified consultant in the relevant fields and tasks to be reviewed. The expert consultant and study must be funded through private funds received by the State from outside sources.

Enacted Law Summary

Resolve 2009, chapter 130 provides that a 5-member work group consisting of the Director of the State Planning Office within the Executive Department or the director's designee, the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee, the Commissioner of Environmental Protection or the commissioner's designee, the Commissioner of Economic and Community Development or the commissioner's designee and a representative of the Maine Municipal Association oversee a 2-year study to be performed by an independent private entity to review the focus on the environmental effects that laws and programs regarding recycling have generated. The representatives of the State Planning Office and the Department of Agriculture, Food and Rural Resources shall serve as cochairs of the work group. The work group shall engage the assistance of a qualified consultant in the relevant fields and tasks to be reviewed. The expert consultant and study must be funded through private funds received by the State from outside sources. The study must be completed no later than January 15, 2012, unless an extension is necessary. The work group is required to report to the Joint Standing Committee on Business, Research and Economic Development on its progress on January 15, 2010 and January 15, 2011.

LD 813 An Act To Require Plain Language in Consumer Contracts

ONTP

Sponsor(s)

EVES
RECTOR

Committee Report

ONTP

Amendments Adopted

Joint Standing Committee on Business, Research and Economic Development

This bill is a concept draft pursuant to Joint Rule 208. It proposes to require written consumer contracts involving \$100,000 or less to meet certain criteria in order to be clear and readable, including:

1. Adequately informing the consumer of the rights and duties fixed by the contract;
2. Using words with common everyday meanings to the extent practicable;
3. Being appropriately divided into sections with captions and paragraphs; and
4. Being printed in at least 10-point type with at least one point of leading between lines and in an ink that contrasts sufficiently with the paper.

Exceptions to the clear and readable standard include words, phrases or forms of agreement required by law or governmental entity or technical terms customarily used in a particular industry or area if there are no clear and readable substitutes for those terms. The Attorney General would enforce the provisions of this bill.

LD 892 An Act To Improve Assistance for Technology-based Entrepreneurs

PUBLIC 90

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

This bill provides a broader set of assistance options for technology-based entrepreneurs than currently available through the applied technology development centers. Since the outreach will no longer be confined by physical locations, technology-based entrepreneurs will have access to more targeted services. Adapting the current program to be more responsive and far-reaching will foster high-growth entrepreneurship, which has been found to have a significant impact on economic growth.

Enacted Law Summary

Public Law 2009, chapter 90 provides a broader set of assistance options for technology-based entrepreneurs than currently available through the applied technology development centers. Since the outreach will no longer be confined by physical locations, technology-based entrepreneurs will have access to more targeted services.

LD 937 An Act To License Septic System Installers

ONTP

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

This bill establishes a septic system installer license for a person who wishes to install septic systems. The requirements of the license include being licensed as a plumber and carrying proper insurance.

Joint Standing Committee on Business, Research and Economic Development

LD 938 An Act To Allocate Redemption Centers Based on Population

**ACCEPTED ONTP
REPORT**

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

This bill amends the licensing of local redemption centers by requiring the Department of Agriculture, Food and Rural Resources to consider the proximity of a proposed redemption center to existing redemption centers. The bill also limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain licensed food establishments and reverse vending machines located in a redemption center and may be waived if the applicant shows a compelling public need for another redemption center.

The bill also provides a procedure for an applicant denied a redemption center license to appeal that denial.

Committee Amendment "A" (H-128)

This is the minority report of the committee. It adds an appropriations and allocations section to the bill.

LD 958 An Act To Encourage Renewable Energy Investment

**ACCEPTED ONTP
REPORT**

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

This bill authorizes the State to provide the benefits of Pine Tree Development Zones to businesses producing renewable energy onshore or offshore or manufacturing component parts necessary for the production of renewable energy onshore or offshore.

LD 959 An Act To Amend the Laws Governing the Maine Economic Improvement Fund

**ACCEPTED ONTP
REPORT**

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

This bill requires the Board of Trustees of the University of Maine System to set aside annually 3% of the total amount to be expended from the Maine Economic Improvement Fund for research and development and product innovation in target areas and to distribute that amount equally among those rural campuses of the University of Maine System that are able to demonstrate efforts in research and development in target areas in the previous year.

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LD 966 An Act To Amend the Licensing Requirements for Marriage and Family Therapists

PUBLIC 172

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES	OTP-AM MAJ ONTP MIN	H-198

This bill allows the Board of Counseling Professionals Licensure to grant a provisional license as a marriage and family therapist for a period not to exceed 6 months to an applicant who meets the requirements for licensure except for the successful completion of the examination prescribed by the board.

Committee Amendment "A" (H-198)

This amendment is the majority report of the committee. It replaces the provision of the bill that allows the Board of Counseling Professionals Licensure to grant a provisional license as a marriage and family therapist and provides that the board may grant a temporary conditional license for a period not to exceed 6 months to an applicant who meets the requirements for licensure except for the successful completion of the examination prescribed by the board. It also requires the applicant to be employed at an agency under clinical supervision and to apply for and successfully complete the examination within this 6-month period. The amendment also provides that if the applicant fails the examination, the applicant is prohibited from using any clinical experience gained during the 6-month period that the applicant held the temporary conditional license to qualify for licensure. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 172 provides that the Board of Counseling Professionals Licensure may grant a temporary conditional license for a period not to exceed 6 months to an applicant who meets the requirements for licensure except for the successful completion of the examination prescribed by the board. The law requires the applicant to be employed at an agency under clinical supervision and to apply for and successfully complete the examination within this 6-month period. The law also provides that if the applicant fails the examination, the applicant is prohibited from using any clinical experience gained during the 6-month period that the applicant held the temporary conditional license to qualify for licensure.

LD 997 An Act To Clarify the Limits of the Maine Uniform Building and Energy Code

ACCEPTED ONTP REPORT

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

This bill amends the laws governing the Maine Uniform Building and Energy Code to allow a municipality to voluntarily adopt and enforce an appendix to the code, the so-called "stretch energy code," that contains energy standards that exceed the energy conservation and efficiency requirements established by the code. This bill requires the Technical Building Codes and Standards Board within the Department of Public Safety to adopt, amend and maintain no later than July 1, 2010 an appendix to the code that contains energy conservation and efficiency requirements based on established national voluntary efficiency standards that exceed the energy requirements of the code. The bill provides that the appendix must be made available for voluntary adoption by any municipality interested in adopting standards and that the board must maintain a list of municipalities that have voluntarily

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adopted the appendix to the code on the board's publicly accessible website.

Committee Amendment "A" (H-127)

This amendment is the minority report of the committee. The amendment adds an appropriations and allocations section.

LD 998 An Act To Provide a Strategic Planning Fund for Research and Development and Technology-related Companies ONTP

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

This bill establishes the Maine Strategic Planning Fund for Research and Development, to be administered by the Department of Economic and Community Development, Office of Innovation for the purposes of administering grants for business planning, technical assistance, marketing and strategic planning to private research and development companies that are eligible to receive general obligation bond proceeds for research and development purposes. Any private research and development company that receives general obligation bonds for research and development must deposit a total of 2.25% of all general obligation bonds received into the fund. The office is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the strategic planning fund for research and development. The joint standing committee shall evaluate the impact of the use of the funds on the economic success of the businesses involved to determine if future funding formulas should be adjusted.

LD 999 An Act To Streamline the Evaluation of Economic Development Programs LEAVE TO WITHDRAW

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

This bill implements the recommendations of the Department of Economic and Community Development relating to streamlining and improving the comprehensive economic development evaluation for the State's economic development programs and incentives. It also reduces duplicative statutory reporting requirements that will be included in the department's comprehensive evaluation process. The bill also amends the definition of "economic development incentive."

It also increases the maximum budget amounts of contributing programs and organizations that can be assessed for economic development evaluation and research and development evaluation. It repeals the provision of law that allows the State Tax Assessor to withhold reimbursement for taxes paid on certain business property from a claimant who has failed to provide certain information to the Department of Economic and Community Development.

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LD 1014 An Act To Provide for the 2009 and 2010 Allocations of the State Ceiling on Private Activity Bonds

**P & S 14
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-54

This bill establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2009 and 2010. Under federal law, a maximum of \$273,270,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2009, and at least \$273,270,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2010. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-54)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2009, chapter 14 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2009 and 2010. Under federal law, a maximum of \$273,270,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2009, and at least \$273,270,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2010. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2009, chapter 14 was enacted as an emergency measure effective May 6, 2009.

LD 1023 An Act To Require a Seller of a Gas Station To Provide an Updated Inspection Prior to Sale of the Property

ONTP

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

This bill provides that in the case of the sale or transfer of any real estate where an underground gasoline storage tank used in connection with the retail sale of gasoline is located, the owner of the real estate, prior to such a sale or transfer, shall file a copy of the most recent annual inspection results relating to the underground gasoline storage tank with the purchaser or transferee.

LD 1048 An Act To Increase the Amount of the Deposit on Returnable Beverage Containers

**LEAVE TO
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROIS NUTTING J	LTW	

Joint Standing Committee on Business, Research and Economic Development

This bill raises the refund value on nonrefillable beverage containers by 5¢ and directs the State Tax Assessor to apply the increase in revenue from unclaimed deposits as a result of this bill toward the cost of the total allocation for kindergarten to grade 12 education.

LD 1054 An Act To Promote Economic Development in the Greater Portland Region

P & S 23

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE DAVIS G	OTP-AM	H-378

This bill modifies the charter of the Greater Portland Public Development Commission by allowing it to conduct its regular business and transfer its funds and its assets to a nonprofit corporation that has the same mission as the commission and to add the municipalities of Westbrook, Falmouth, Cape Elizabeth and Scarborough to the geographic area served by the commission.

Committee Amendment "A" (H-378)

This amendment strikes the provisions in the bill that proposed to transfer the funds and assets of the Greater Portland Public Development Commission and updates its charter by replacing outdated property management powers with the power to provide and administer loans and grants to businesses and nonprofits for purposes of stimulating economic growth and revitalization efforts and fostering coordination between economic development entities within the confines of Portland, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough. It also requires the commission to submit an annual report summarizing its complete activities for the prior year, an accounting of its receipts, expenditures, assets and liabilities and a statement of its proposed activities for the coming year to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

Enacted Law Summary

Private and Special Law 2009, chapter 23 amends the charter of the Greater Portland Public Development Commission by replacing outdated property management powers with the power to provide and administer loans and grants to businesses and nonprofits for purposes of stimulating economic growth and revitalization efforts and fostering coordination between economic development entities within the confines of Portland, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough. The law requires the commission to submit an annual report summarizing its complete activities for the prior year, an accounting of its receipts, expenditures, assets and liabilities and a statement of its proposed activities for the coming year to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

LD 1062 Resolve, To Assist Artists, Art Galleries and Art Dealers

RESOLVE 92

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

This bill clarifies the relationship between an artist and an art gallery, including the financial responsibilities of the artist and the art gallery.

Joint Standing Committee on Business, Research and Economic Development

Committee Amendment "A" (S-160)

This resolve replaces the bill. It directs the Department of the Attorney General to develop a voluntary model standard art consignment contract to assist artists, art galleries and art dealers that must be posted on its publicly accessible website by January 15, 2010. It requires the Department of the Attorney General to report to the Joint Standing Committee on Business, Research and Economic Development on the development of the model contract by February 1, 2010.

Enacted Law Summary

Resolve 2009, chapter 92 directs the Department of the Attorney General to develop a voluntary model standard art consignment contract to assist artists, art galleries and art dealers that must be posted on its publicly accessible website by January 15, 2010. It requires the Department of the Attorney General to report to the Joint Standing Committee on Business, Research and Economic Development on the development of the model contract by February 1, 2010.

LD 1085 An Act Concerning Dispute Resolution in Home Construction Contracts

PUBLIC 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-107

This bill amends the home construction contract laws to clarify what steps may be taken to resolve a dispute between the parties in the contract.

Committee Amendment "A" (S-107)

This amendment replaces the bill. It changes the home construction contract laws to notify the parties of the option of resolving any smaller disputes in small claims court prior to engaging in mediation or arbitration.

Enacted Law Summary

Public Law 2009, chapter 173 changes the home construction contract laws to notify the parties of the option of resolving any smaller disputes in small claims court prior to engaging in mediation or arbitration.

LD 1089 An Act To Regulate Mixed Martial Arts Competitions, Exhibitions and Events

PUBLIC 352

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON MARRACHE	OTP-AM MAJ ONTP MIN	H-493

This bill allows a mixed martial arts competition, exhibition or event to be held in the State as long as a license is issued by the Department of Professional and Financial Regulation. It requires the department to supervise and oversee mixed martial arts competitions, exhibitions or events held within the State in a manner that promotes mixed martial arts while protecting the public interest. The bill requires the Commissioner of Professional and Financial Regulation to select members of the mixed martial arts community to serve on an advisory council and to consult with the commissioner concerning the regulation of mixed martial arts. It requires these events to be held in accordance with the rules adopted by the department.

Joint Standing Committee on Business, Research and Economic Development

Committee Amendment "A" (H-493)

This amendment is the majority report of the committee and it replaces the bill. It establishes the Mixed Martial Arts Authority of Maine as a body corporate and politic and a public instrumentality of the State to regulate and promote mixed martial arts competitions, exhibitions and events in the State and removes any criminal prohibition for any such event authorized by the authority. It provides that the authority is governed and its powers exercised by a board of directors that consists of 5 voting members appointed by the Governor. It establishes the Mixed Martial Arts Reserve Fund and allows the board to receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise and allows the authority to apply for, solicit and receive grants, donations and gifts and to receive appropriations from the State and funds from other governmental authorities. It requires that all funds received must be spent solely to assist with operational expenses. It requires the State Controller at the close of each fiscal year to transfer from the fund any revenue in excess of operating expenses to the General Fund.

It also requires the authority to adopt rules no later than March 1, 2010 to protect the health and safety of participants and the integrity of competition, as well as to set the fee schedules for all authorized participants. The rules must include rules of competition, weighing of participants, scoring of decisions, length of contests and rounds, availability of medical services, age limits, weight limits and classification of participants, physical condition of participants, qualifications of referees and other authorized participants, uniforms, attire, safety gear and equipment of participants, referees and other officials, specifications of facilities and equipment and requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants.

It requires a promoter of a mixed martial arts competition, exhibition or event to pay a fee set by the authority in advance of the mixed martial arts competition, exhibition or event. In the event a promoter fails to pay the required fee, the promoter is prohibited from promoting this competition and any further competitions, exhibitions or events until the fees and any penalties are paid in full or satisfactory arrangements are made with the authority.

It requires the authority to submit an annual report by March 15th of each year beginning in 2010 on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, including an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan.

This amendment also allows a mixed martial arts competition, exhibition or event to be held in the State effective March 1, 2010, as long as the authority has adopted the rules required by this chapter. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 352 establishes the Mixed Martial Arts Authority of Maine as a body corporate and politic and a public instrumentality of the State to regulate and promote mixed martial arts competitions, exhibitions and events in the State and removes the current criminal prohibition against these events, provided they are authorized by the authority. The law provides that the authority is governed and its powers exercised by a board of directors that consists of 5 voting members appointed by the Governor.

The law establishes the Mixed Martial Arts Reserve Fund and allows the board to receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise and allows the authority to apply for, solicit and receive grants, donations and gifts and to receive appropriations from the State and funds from other governmental authorities. It requires that all funds received must be spent solely to assist with operational expenses. It also requires the State Controller at the close of each fiscal year to transfer from the fund any revenue in excess of operating expenses to the General Fund.

The law requires the authority to adopt rules no later than March 1, 2010 to protect the health and safety of participants and the integrity of competition, as well as to set the fee schedules for all authorized participants. The rules must include rules of competition, weighing of participants, scoring of decisions, length of contests and rounds, availability of medical services, age limits, weight limits and classification of participants, physical condition of

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participants, qualifications of referees and other authorized participants, uniforms, attire, safety gear and equipment of participants, referees and other officials, specifications of facilities and equipment and requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants.

The law requires a promoter of a mixed martial arts competition, exhibition or event to pay a fee set by the authority in advance of the mixed martial arts competition, exhibition or event. In the event a promoter fails to pay the required fee, the promoter is prohibited from promoting this competition and any further competitions, exhibitions or events until the fees and any penalties are paid in full or satisfactory arrangements are made with the authority.

The authority must submit an annual report by March 15th of each year beginning in 2010 on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, including an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan.

The law also allows a mixed martial arts competition, exhibition or event to be held in the State effective March 1, 2010, as long as the authority has adopted the rules required by this chapter.

LD 1137 An Act To Limit the Interest Charged under Rental-purchase Agreements

ONTP

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

This bill limits the amount of interest that can be charged on a rental-purchase agreement to 25% of the cash price of the property over the lifetime of the agreement and provides that the agreement terminates and the consumer owns the property once payments made by the consumer equal 125% of the cash price of the property.

LD 1183 An Act To Prevent Predatory Marketing Practices against Minors

PUBLIC 230

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

This bill addresses the current practices of persons using the Internet and other wireless communications devices, with or without promotional incentives, to acquire health-related information about minors and then using that information unscrupulously. Under this bill, it is unlawful to solicit or collect health-related information about a minor who is not emancipated without the express written consent of the minor's parent or guardian, to transfer any health-related information that identifies a minor or to use any of that information to market a product or service to a minor regardless of whether or not the information was lawfully obtained. Unlawful marketing includes promoting a course of action relating to a product. The bill provides 3 potential remedies for a violation: relief as an unfair trade practice, a private right of action and a civil violation with substantial monetary fines.

Committee Amendment "A" (S-161)

This amendment changes the title of the bill. It adds new definitions for "person," "personal information," "marketing purposes" and "verifiable parental consent," removes the definition for "collect" and prohibits the knowing collection of both health-related and personal information from minors. It also removes the requirement for

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the Attorney General to establish procedures for complaints and instead allows the Attorney General to establish these procedures. It amends the provision that unlawful collection constitutes the collection of personal information obtained via the Internet or any wireless communications device to more broadly encompass the collection of this information by any method. It changes the penalty provision to clarify that, notwithstanding the provisions of the Maine Unfair Trade Practices Act, each violation constitutes a civil violation for which a fine may be assessed of no less than \$10,000 and no more than \$20,000 for a first violation and no less than \$20,000 for a 2nd violation or any subsequent violation. It also provides that, if the Attorney General finds evidence of a violation of the federal Children's Online Privacy Protection Act of 1998, it may bring a civil action pursuant to 15 United States Code, Section 6504.

Enacted Law Summary

Public Law 2009, chapter 230 prohibits the knowing collection or sale of both health-related or personal information for marketing purposes from a minor without first obtaining verifiable parental consent. It also prohibits predatory marketing against minors. The law establishes 3 potential remedies for a violation: relief as an unfair trade practice, a private right of action and a civil violation with substantial monetary fines. The law also provides that, if the Attorney General finds evidence of a violation of the federal Children's Online Privacy Protection Act of 1998, it may bring a civil action pursuant to 15 United States Code, Section 6504.

LD 1186 **Resolve, To Facilitate the Creation and Expansion of an Identified Business Sector**

RESOLVE 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-101

This resolve requires the Department of Economic and Community Development to identify 3 business sectors and convene a working group of representatives of those sectors to identify barriers in the development or expansion of those sectors and solutions for the removal of those barriers.

Committee Amendment "A" (S-101)

This amendment reduces from 3 to one the business sectors in the resolve that the Department of Economic and Community Development is required to identify in order to convene the working group.

Enacted Law Summary

Resolve 2009, chapter 62 requires the Department of Economic and Community Development to identify 1 business sector and convene a working group of representatives of that sector to identify barriers in the development or expansion of this sector and solutions for the removal of those barriers.

LD 1193 **Resolve, To Establish Uniform Protocols for the Use of Controlled Substances**

RESOLVE 56

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-108

This bill creates the Joint Practice Council on Controlled Substances under the Board of Licensure in Medicine to develop and administer protocols for the use and administration of controlled substances, including requiring an

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opioid or narcotic drug to be prescribed in certain circumstances by a health care practitioner with specialized expertise and training, requiring that a patient's opioid or narcotic drug be prescribed by only one prescriber at a time, prohibiting a controlled substance from being dispensed by mail and allowing a patient to obtain a controlled substance at only one pharmacy.

Committee Amendment "A" (S-108)

This amendment replaces the bill with a resolve that directs the Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances for adoption by all licensed prescribers by February 1, 2010. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the resolve to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 56 directs the Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances for adoption by all licensed prescribers by February 1, 2010. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the resolve to the Second Regular Session of the 124th Legislature.

LD 1196 An Act To Ensure Royalties to Visual Artists

LEAVE TO
WITHDRAW

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

This bill requires that an artist receive a minimum 5% royalty on the resale of a work of fine art sold for more than \$1,000. It guarantees the right to attempt to pursue damages for the failure to pay royalties. This bill also establishes the Maine Arts Commission Visual Artists Fund for the purpose of holding royalties owed to artists that have not received those royalties yet.

LD 1223 An Act To Allow Pharmacists To Administer Certain Immunizations

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN RAYE	OTP-AM	H-473

This bill allows a pharmacist to administer drugs and immunizations. The Department of Professional and Financial Regulation, Maine Board of Pharmacy shall adopt routine technical rules to implement this bill.

Committee Amendment "A" (H-473)

This amendment allows a pharmacist to administer certain drugs and immunizations, including the influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine with certain restrictions. It allows a licensed pharmacist to administer all forms of influenza vaccines to a person 9 years of age or older without a prescription. It also allows a licensed pharmacist to administer the pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine to a person with a valid prescription when the

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person has an existing primary care physician or other existing relationship with an authorized Maine practitioner. In cases in which the person does not have an existing relationship with a primary care physician or other Maine practitioner the pharmacist may administer the vaccine according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine or booster tetanus-diphtheria vaccine.

It also amends the continuing pharmacy education requirements for licensure renewal and establishes certain training requirements in order for a licensed pharmacist to be able to administer a drug or immunization. It establishes a treatment protocol for the administration of the drugs and immunizations. It provides that reimbursement under the MaineCare program is contingent on the adoption of a billing mechanism by the Department of Health and Human Services for the MaineCare program and amendment of the rules of the MaineCare benefits manual to cover the service provided at a minimum of the current average wholesale price reimbursement rate plus a dispensing fee of \$3.35. Prior to the adoption of a billing mechanism, a MaineCare member that receives a vaccination must be told in advance that the administration of vaccines provided by a pharmacist is not covered by MaineCare and the member will be responsible for payment.

Enacted Law Summary

Public Law 2009, chapter 308 allows a pharmacist to administer certain drugs and immunizations, including the influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine with certain restrictions. It allows a licensed pharmacist to administer all forms of influenza vaccines to a person 9 years of age or older without a prescription. It also allows a licensed pharmacist to administer the pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine to a person with a valid prescription when the person has an existing primary care physician or other existing relationship with an authorized Maine practitioner. In cases in which the person does not have an existing relationship with a primary care physician or other Maine practitioner, the pharmacist may administer the vaccine according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine or booster tetanus-diphtheria vaccine.

The law also amends the continuing pharmacy education requirements for licensure renewal and establishes certain training requirements in order for a licensed pharmacist to be able to administer a drug or immunization. It establishes a treatment protocol for the administration of the drugs and immunizations.

The law provides that reimbursement under the MaineCare program is contingent on the adoption of a billing mechanism by the Department of Health and Human Services for the MaineCare program and amendment of the rules of the MaineCare benefits manual to cover the service provided at a minimum of the current average wholesale price reimbursement rate plus a dispensing fee of \$3.35. Prior to the adoption of a billing mechanism, a MaineCare member that receives a vaccination must be told in advance that the administration of vaccines provided by a pharmacist is not covered by MaineCare and the member will be responsible for payment.

LD 1240 Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding a Proposal To License Wetland Scientists

RESOLVE 73

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE TRAHAN	OTP-AM	H-249

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This resolve directs the Department of Professional and Financial Regulation to develop a licensing protocol for wetland scientists in collaboration with the Department of Environmental Protection and the Maine Association of Wetland Scientists and to report to the Joint Standing Committee on Business, Research and Economic Development by December 2, 2009. The joint standing committee is authorized to introduce legislation related to this report to the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (H-249)

This amendment replaces the resolve and requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of a proposal to license wetland scientists. It also requires that no later than February 15, 2010 the Commissioner of Professional and Financial Regulation must submit a report with any necessary proposed legislation regarding the sunrise review to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 73 requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of a proposal to license wetland scientists. It requires that no later than February 15, 2010 the Commissioner of Professional and Financial Regulation must submit a report with any necessary proposed legislation regarding the sunrise review to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 124th Legislature.

LD 1241 **Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades**

RESOLVE 74

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WRIGHT	OTP-AM MAJ ONTP MIN	H-248

This bill requires licensure of persons that perform sheet metal work, refrigeration and air conditioning system installation and repair, pipefitting and fire protection sprinkler system installation and repair. The bill grandfathers persons that have completed apprentice programs or have been compensated for a minimum of 2,000 hours in the business of performing sheet metal work, refrigeration and air conditioning system installation and repair, pipefitting or fire protection sprinkler system installation, repair and testing.

Committee Amendment "A" (H-248)

This amendment is the majority report of the committee and replaces the bill with a resolve. It requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license certain mechanical trades. It also requires that no later than February 15, 2010 the Commissioner of Professional and Financial Regulation submit a report with any necessary legislation following the sunrise review to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 74 requires the Commissioner of Professional and Financial Regulation to conduct an

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independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license certain mechanical trades. It requires that no later than February 15, 2010 the Commissioner of Professional and Financial Regulation must submit a report with any necessary legislation following the sunrise review to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 124th Legislature.

**LD 1257 An Act To Require Legislative Consultation and Approval Prior to
Committing the State to Binding International Trade Agreements**

PUBLIC 385

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BRYANT B	OTP-AM	H-457

The purpose of this bill is to prohibit any official of the State, including the Governor, from binding the State to a trade agreement to which the State is invited to be a party by the United States Government without the express consent of the Legislature through the enactment of a law authorizing an official of the State to enter into that trade agreement.

Committee Amendment "A" (H-457)

This amendment broadens the definition of "trade agreement" and clarifies that the legislative approval of trade agreements may occur only when the United States Government provides the State with the opportunity to consent to or reject binding the State to a trade agreement or a provision within a trade agreement. It also requires the Governor to provide the Maine International Trade Center with a copy of any communication concerning a trade agreement provision when it is received by the State, and it adds the requirement that the Citizen Trade Policy Commission consult with the Maine International Trade Center when it reviews and analyzes trade agreements.

Enacted Law Summary

Public Law 2009, chapter 385 prohibits any official of the State, including the Governor, from binding the State to a trade agreement to which the State is invited to be a party by the United States Government without the express consent of the Legislature through the enactment of a law authorizing an official of the State to enter into that trade agreement. The law requires legislative approval of trade agreements only when the United States Government provides the State with the opportunity to consent to or reject binding the State to a trade agreement or a provision within a trade agreement. The law requires the Governor to provide the Maine International Trade Center with a copy of any communication concerning a trade agreement provision when it is received by the State, and requires the Citizen Trade Policy Commission to consult with the Maine International Trade Center when it reviews and analyzes trade agreements.

LD 1320 An Act To Ensure the Availability of Alcohol-free Motor Fuels

Carried Over

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

This bill requires a retail dealer of gasoline and a distributor of gasoline to offer for sale or use nonethanol-blended unleaded premium grade gasoline.

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This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 1337 An Act To Protect Maine Citizens and Franchised New Motor Vehicle Dealers

PUBLIC 367
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-262

This bill provides protections to franchised new motor vehicle dealers against losses caused by unreasonable terminations by manufacturers.

Committee Amendment "A" (S-262)

This amendment makes the following changes to the bill:

1. It removes provisions in the emergency preamble that reference manufacturers' conduct;
2. It removes the reference to motor vehicles that are substantially similar in design and specifications and manufactured in the same facility from the definition of "line make" and instead amends the provision of law that prohibits interference in a dealer's business to require that, if an entity other than the original manufacturer of a line make becomes the manufacturer for the line make and intends to distribute motor vehicles of that line make in this State, that entity must honor the franchise agreements of the original manufacturer and its licensed new motor vehicle dealers or offer those dealers of that same line make, or of motor vehicles historically of that line make that are substantially similar in their design and specifications and are manufactured in the same facility or facilities, a new franchise agreement with substantially similar terms and conditions;
3. It provides that modifications to dealership facilities as a condition of renewal are precluded when unreasonable;
4. It provides that termination benefits are precluded if the new motor vehicle dealership stock or assets are otherwise sold;
5. It provides that supplies and parts payments in the event of a termination, cancellation, noncontinuance or nonrenewal are limited to parts in the current parts catalog or parts used in relation to new motor vehicle warranty repairs; equipment and furnishings and special tools payments, which are subject to a reasonable allowance for wear and tear; and special tools and automotive service equipment owned by the dealer that were designated as special tools or equipment and required by and purchased from the manufacturer or its approved sources, if the tools and equipment are in useable and good condition, normal wear and tear excepted;
6. It provides for rental assistance for a term of one year for dealership facilities in all termination, cancellation, noncontinuance and nonrenewal cases, except for those cases when the dealer is convicted and imprisoned for a felony involving moral turpitude that is substantially related to the qualifications, functions or duties of the franchisee;
7. It makes technical changes to include the term "noncontinuance;"
8. It provides that rental assistance is subject to a requirement by the dealer to list the dealership facilities with a real estate agent except in those instances when the facilities are used for more than one franchise; and
9. It removes all provisions proposing to allow pecuniary loss as a measure of the value of a franchise and

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provisions relating to factory finance terms.

Enacted Law Summary

Public Law 2009, chapter 367 provides protections to franchised new motor vehicle dealers against losses caused by unreasonable terminations by manufacturers.

Public Law 2009, chapter 367 was enacted as an emergency measure effective June 11, 2009.

LD 1372 An Act To Simplify Maine's Accountancy Laws

PUBLIC 242

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-307

Current law requires a 2-step process for the licensure of certified public accountants. An applicant who qualifies for licensure first applies for and is issued a certificate. The certificate does not authorize the holder to practice. The certificate holder then files a 2nd application for a permit to practice, which is the actual license. This bill streamlines the licensing process by compacting the certificate phase and permit phase into one application for licensure. Certificates will no longer be issued.

The Board of Accountancy licenses certified public accountants, public accountants and accounting firms. Applicants for the certified public accountant or public accountant credential must pass the same examination, but the education and experience requirements are more rigorous for certified public accountants. Currently, the board licenses 2,056 certified public accountants and 12 public accountants. New public accountants have not been licensed since 1992. This bill eliminates the public accountant license category prospectively. Current public accountants will be able to renew indefinitely.

This bill removes specific hour requirements of continuing professional education requirements for accountants and instead authorizes the board to establish by rule the number of hours required for renewal.

Committee Amendment "A" (H-307)

This amendment allows a certified public accountant licensed in another state to be licensed in Maine if that person meets certain requirements or can provide verification that the person's qualifications are substantially equivalent to specified licensure requirements. This amendment also provides that the continuing education requirements established by the Board of Accountancy required for license renewal must be no more than 40 hours and no less than 20 hours annually.

Enacted Law Summary

Public Law 2009, chapter 242 streamlines the licensing process by compacting the certificate phase and permit phase for certified public accountants into one application for licensure. Certificates will no longer be issued. The Board of Accountancy licenses certified public accountants, public accountants and accounting firms. Applicants for the certified public accountant or public accountant credential must pass the same examination, but the education and experience requirements are more rigorous for certified public accountants. The law eliminates the public accountant license category prospectively. Current public accountants will be able to renew indefinitely.

The law also removes specific hour requirements of continuing professional education requirements for accountants and instead authorizes the board to establish by rule the number of hours required for renewal, which must be no more than 40 hours and no less than 20 hours annually. The law allows a certified public accountant licensed in another state to be licensed in Maine if that person meets certain requirements or can provide verification that the

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

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

PUBLIC 241

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

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

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

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

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

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

Committee Amendment "A" (S-171)

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

Enacted Law Summary

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

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

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

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

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

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

Carried Over

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

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.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

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

Carried Over

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

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.

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This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

LD 1394 An Act To Modify the Regional Economic Development Revolving Loan Program

PUBLIC 131

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP	

This bill amends certain provisions of the Regional Economic Development Revolving Loan Program under the Finance Authority of Maine.

1. Current law provides that a corporation may not receive more than \$2,500,000 from the program fund. This bill increases that amount to \$3,500,000.
2. Current law provides that a financial assistance application determination is final in the case of loans under \$100,000. This bill increases that amount to \$150,000.
3. Current law specifies financing terms and conditions for loans made from program funds. This bill amends certain of those provisions.
4. This bill amends the descriptions of eligible projects, and expands eligibility to entities until June 30, 2010.
5. Current law specifies that a business with 5 or fewer employees may be eligible for financial assistance under the program. This bill increases the number of employees to 10 or fewer.

Enacted Law Summary

Public Law 2009, chapter 131 amends the following provisions of the Regional Economic Development Revolving Loan Program under the Finance Authority of Maine:

1. Current law provides that a corporation may not receive more than \$2,500,000 from the program fund. This law increases that amount to \$3,500,000.
2. Current law provides that a financial assistance application determination is final in the case of loans under \$100,000. This law increases that amount to \$150,000.
3. Current law specifies financing terms and conditions for loans made from program funds. This law amends certain of those provisions.
4. It amends the descriptions of eligible projects, and expands eligibility to entities until June 30, 2010.
5. Current law specifies that a business with 5 or fewer employees may be eligible for financial assistance under the program. This law increases the number of employees to 10 or fewer.

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LD 1413 **Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity**

**RESOLVE 110
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COHEN DAMON	OTP-AM	H-379

This resolve establishes the Commission To Improve the Business Climate in order to study all aspects of advancing the State's business climate through improving the efficiency, effectiveness and consistency of the State's regulatory systems, as well as improving the relationships between regulators and the regulated community

The commission is required to submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 124th Legislature. The Joint Standing Committee on Business, Research and Economic Development is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (H-379)

This amendment replaces the resolve and requires the Maine Regulatory Fairness Board, in consultation with private and public stakeholders, including but not limited to the Department of Professional and Financial Regulation, the Department of Economic and Community Development and the Department of Health and Human Services, to review and identify ways to advance the State's business climate as identified by the 2009 Measures of Growth In Focus report from the Maine Economic Growth Council, the final report of the Joint Select Committee on Future Maine Prosperity, the report entitled "Charting Maine's Future, An Action Plan for Promoting Sustainable Prosperity and Quality Places" by the Brookings Institution and any other reports identified by the board; to improve the efficiency, effectiveness and consistency of the State's regulatory systems; and to improve the relationships between regulators and the regulated community. It requires the board to use the process for accepting public input through public meetings across the State, which is currently required in statute, to assist in the identification of regulatory burdens.

It also requires the board to provide a briefing regarding its review no later than February 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill related to this issue in the Second Regular Session of the 124th Legislature.

This amendment also requires that, no later than January 15, 2011, the board must provide a written report with its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

Enacted Law Summary

Resolve 2009, chapter 110 requires the Maine Regulatory Fairness Board, in consultation with private and public stakeholders, including but not limited to the Department of Professional and Financial Regulation, the Department of Economic and Community Development and the Department of Health and Human Services, to review and identify ways to advance the State's business climate as identified by the 2009 Measures of Growth In Focus report from the Maine Economic Growth Council, the final report of the Joint Select Committee on Future Maine Prosperity, the report entitled "Charting Maine's Future, An Action Plan for Promoting Sustainable Prosperity and Quality Places" by the Brookings Institution and any other reports identified by the board; to improve the efficiency, effectiveness and consistency of the State's regulatory systems; and to improve the relationships between regulators and the regulated community. The law requires the board to use the process for accepting public input through public meetings across the State, which is currently required in statute, to assist in the identification of regulatory burdens.

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The law requires the board to provide a briefing regarding its review no later than February 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill related to this issue in the Second Regular Session of the 124th Legislature. The law requires that, no later than January 15, 2011, the board must provide a written report with its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

Resolve 2009, chapter 110 was enacted as an emergency measure effective June 9, 2009.

LD 1455 An Act To Establish the Maine Fuel Board

PUBLIC 344

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-345 H-525 SMITH N S-261 SCHNEIDER

This bill repeals the Maine Revised Statutes, Title 32, chapters 33 and 130, governing the licensure and regulation of oil and solid fuel burning technicians and propane and natural gas technicians, and combines the 2 licensing programs into one licensing program under a merged licensing board, the Maine Fuel Board, established by one authorizing statute. This bill reflects the current standards for the installation of oil and solid fuel burner equipment and propane and natural gas equipment and strengthens licensing requirements for propane and natural gas technicians who apply for licensure after the effective date of the bill. The bill provides for a limited license for wood pellet technicians and for board authority to consider the impact of new heating technology that may be available in the future.

Committee Amendment "A" (H-345)

This amendment changes the professional qualification requirements in the bill for an applicant for a propane and natural gas technician license to require either the successful completion of a national propane gas association's certified employee training program or successful completion of a board-approved propane or natural gas course at a Maine community college, career and technical education center or career and technical education region or a comparable institute of this State or another state and passing an examination approved by the board. This amendment also reduces the license term for applicants for a temporary plant operator or delivery technician license. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" (S-261)

This amendment changes the membership of the Maine Fuel Board by removing the member appointed by the Commissioner of Public Safety, adding one more member who must be licensed as a master oil and solid fuel technician and one more member who must be licensed as a propane and natural gas technician and requiring one member to be licensed as both. This amendment also requires all members required to be licensed to have been licensed for at least the 7 years immediately prior to appointment.

House Amendment "A" To Senate Amendment "A" (H-525)

This amendment adds a member appointed by the Commissioner of Public Safety as that commissioner's representative to the Maine Fuel Board.

Enacted Law Summary

Public Law 2009, chapter 344 repeals the Maine Revised Statutes, Title 32, chapters 33 and 130, governing the

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licensure and regulation of oil and solid fuel burning technicians and propane and natural gas technicians, and combines the 2 licensing programs into one licensing program under a merged licensing board, the Maine Fuel Board, established by one authorizing statute. The law provides for a limited license for wood pellet technicians and for board authority to consider the impact of new heating technology that may be available in the future. The law requires an applicant for a propane and natural gas technician license to either successfully complete the national propane gas association's certified employee training program or a board-approved propane or natural gas course at a Maine community college, career and technical education center or career and technical education region or a comparable institute of this State or another state and pass an examination approved by the board. This law also reduces the license term for applicants for a temporary plant operator or delivery technician license.

LD 1468 An Act Regarding the Evaluation of Economic Development Programs

**PUBLIC 337
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-502

This bill implements the recommendations of the Department of Economic and Community Development relating to streamlining and improving the comprehensive economic development evaluation for the State's economic development programs and incentives. It also reduces duplicative statutory reporting requirements that will be included in the department's comprehensive evaluation process. The bill also amends the definition of "economic development incentive." It also increases the maximum budget amounts of contributing programs and organizations that can be assessed for economic development evaluation and research and development evaluation. It repeals the provision of law that allows the State Tax Assessor to withhold reimbursement for taxes paid on certain business property from a claimant who has failed to provide certain information to the Department of Economic and Community Development.

Committee Amendment "A" (H-502)

This amendment adds an emergency preamble and emergency clause and an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 337 implements the recommendations of the Department of Economic and Community Development relating to streamlining and improving the comprehensive economic development evaluation for the State's economic development programs and incentives. It also reduces duplicative statutory reporting requirements that will be included in the department's comprehensive evaluation process. The law also amends the definition of "economic development incentive." It also increases the maximum budget amounts of contributing programs and organizations that can be assessed for economic development evaluation and research and development evaluation. It repeals the provision of law that allows the State Tax Assessor to withhold reimbursement for taxes paid on certain business property from a claimant who has failed to provide certain information to the Department of Economic and Community Development.

Public Law 2009, chapter 337 was enacted as an emergency measure effective June 9, 2009.

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LD 1473 An Act To Reaffirm Maine's Commitment to Business by Amending the Pine Tree Development Zone Laws

PUBLIC 461

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-570

This bill is a concept draft pursuant to Joint Rule 208. It proposes to expand the eligibility for designation as a Pine Tree Development Zone, and the benefits available as a Pine Tree Development Zone, to the entire State.

Committee Amendment "A" (H-570)

This amendment makes the following changes to the Pine Tree Development Zone laws:

1. Beginning January 1, 2009 to December 31, 2009, it allows for all units of local government statewide to be considered tier 1 locations, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 10 years;
2. Beginning January 1, 2010, it allows a unit of local government that is contained in a county other than Cumberland County or York County, as well as a unit of local government that is contained in Cumberland County or York County with a municipal unemployment rate that is 15% higher than its labor market unemployment rate, a unit of local government that has been designated by the Department of Economic and Community Development as a participating municipality in the Pine Tree Development Zone program as of December 31, 2008 and property within a military redevelopment zone to be classified as a tier 1 location, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 10 years;
3. Beginning January 1, 2010, it allows any unit of local government that is contained in Cumberland County or York County that is not classified as a tier 1 location to be classified as a tier 2 location, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 5 years. After the 5 years, all Pine Tree Development Zone benefits expire, except for the expanded employment tax increment financing benefits under the Maine Revised Statutes, Title 36, chapter 917, which must be recalculated at that time to reflect the standard rates under that chapter;
4. It extends the duration of benefits through the year 2028;
5. It allows significant business development projects to have a base level of employment adjustment, determined by a single location versus a statewide aggregate;
6. It amends the definition of "manufacturing;"
7. It repeals several provisions of the Pine Tree Development Zone laws that relate to the designation of zones that are no longer necessary; and
8. It establishes the Pine Tree Development Zone Reserve Fund as a nonlapsing fund to capture all net positive revenues gained by the program that accrue to the State and that would not have accrued to the State but for the availability of Pine Tree Development Zone benefits.

Enacted Law Summary

Public Law 2009, chapter 461 makes the following changes to the Pine Tree Development Zone laws:

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1. Beginning January 1, 2009 to December 31, 2009, it allows for all units of local government statewide to be considered tier 1 locations, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 10 years;
2. Beginning January 1, 2010, it allows a unit of local government that is contained in a county other than Cumberland County or York County, as well as a unit of local government that is contained in Cumberland County or York County with a municipal unemployment rate that is 15% higher than its labor market unemployment rate, a unit of local government that has been designated by the Department of Economic and Community Development as a participating municipality in the Pine Tree Development Zone program as of December 31, 2008 and property within a military redevelopment zone to be classified as a tier 1 location, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 10 years;
3. Beginning January 1, 2010, it allows any unit of local government that is contained in Cumberland County or York County that is not classified as a tier 1 location to be classified as a tier 2 location, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 5 years. After the 5 years, all Pine Tree Development Zone benefits expire, except for the expanded employment tax increment financing benefits under the Maine Revised Statutes, Title 36, chapter 917, which must be recalculated at that time to reflect the standard rates under that chapter;
4. It extends the duration of benefits through the year 2028;
5. It allows significant business development projects to have a base level of employment adjustment, determined by a single location versus a statewide aggregate;
6. It amends the definition of "manufacturing;"
7. It repeals several provisions of the Pine Tree Development Zone laws that relate to the designation of zones that are no longer necessary; and
8. It establishes the Pine Tree Development Zone Reserve Fund as a nonlapsing fund to capture all net positive revenues gained by the program that accrue to the State and that would not have accrued to the State but for the availability of Pine Tree Development Zone benefits.

**LD 1477 Resolve, Authorizing the Finance Authority of Maine To Oversee an
Obligation Owed to the State by Lincoln Paper and Tissue, LLC**

**RESOLVE 124
EMERGENCY**

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

This resolve authorizes the Commissioner of Environmental Protection to assign to the Finance Authority of Maine certain debt obligations under a promissory note with a maturity date of May 26, 2009 owed to the State by Lincoln Paper and Tissue, LLC.

Committee Amendment "A" (S-257)

This amendment adds an emergency preamble and emergency clause to the resolve.

Enacted Law Summary

Resolve 2009, chapter 124 authorizes the Commissioner of Environmental Protection to assign to the Finance Authority of Maine certain debt obligations under a promissory note with a maturity date of May 26, 2009 owed to

Joint Standing Committee on Business, Research and Economic Development

the State by Lincoln Paper and Tissue, LLC.

Resolve 2009, chapter 124 was enacted as an emergency measure effective June 10, 2009.

LD 1491 **An Act To Protect Maine Citizens and Franchised New Car and Truck Dealers**

**PUBLIC 432
EMERGENCY**

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

The purpose of this bill is to protect motor vehicle dealer rights, preserve local businesses and protect public access to essential dealers' services throughout the State.

This bill limits the ability of a successor manufacturer to offer a franchise to any person for a line make of a predecessor manufacturer without first offering the franchise to the former franchisee.

Enacted Law Summary

Public Law 2009, chapter 432 limits the ability of a successor manufacturer to offer a franchise to any person for a line make of a predecessor manufacturer without first offering the franchise to the former franchisee.

Public Law 2009, chapter 432 was enacted as an emergency measure effective June 17, 2009.

Joint Standing Committee on Business, Research and Economic Development

SUBJECT INDEX

Bonds

Enacted

LD 1014	An Act To Provide for the 2009 and 2010 Allocations of the State Ceiling on Private Activity Bonds	P & S 14 EMERGENCY
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Business Regulation

Enacted

LD 50	An Act To Clarify the Definition of Hard Cider for the Purposes of the Returnable Container Law	PUBLIC 110
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LD 397	An Act To Amend the Laws Governing Bottle Redemption	PUBLIC 405
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LD 420	An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation	PUBLIC 192
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LD 652	An Act To Clarify the Maine Uniform Building and Energy Code	PUBLIC 261
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LD 718	An Act Concerning Cremated Remains	PUBLIC 39
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LD 733	Resolve, To Examine Environmental Effects of the Resource Recovery System	RESOLVE 130
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LD 1337	An Act To Protect Maine Citizens and Franchised New Motor Vehicle Dealers	PUBLIC 367 EMERGENCY
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LD 1491	An Act To Protect Maine Citizens and Franchised New Car and Truck Dealers	PUBLIC 432 EMERGENCY
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Not Enacted

LD 52	An Act To Require Unredeemed Beverage Container Deposits To Be Provided to the State	INDEF PP
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LD 93	An Act To Amend the Laws Governing Construction Contracts	ONTP
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LD 270	An Act To Allow a Gasoline Retailer To Offer Discounts to Customers Who Pay by Cash or Similar Means	ONTP
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LD 307	An Act To Amend the Laws Governing Payment for Prearranged Funeral Services	ONTP
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LD 347	An Act To Reduce Regulatory Costs for Maine Businesses	ACCEPTED ONTP REPORT
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LD 411	An Act To Increase the Redemption Fee on Sorting and Handling	ONTP
LD 440	An Act Regarding Exceptions to the Maine Uniform Building and Energy Code	ONTP
LD 544	An Act To Amend the Laws Governing Returnable Beverage Containers	ONTP
LD 598	An Act To Protect Private Enterprise from Tax-subsidized Competition by Imposing Requirements on Certain Postsecondary Institutions	ONTP
LD 622	An Act To Promote the Accessibility and Use of Reusable Bags	ONTP
LD 696	Resolve, To Reclaim Past Unredeemed Beverage Container Deposits	
LD 938	An Act To Allocate Redemption Centers Based on Population	ACCEPTED ONTP REPORT
LD 997	An Act To Clarify the Limits of the Maine Uniform Building and Energy Code	ACCEPTED ONTP REPORT
LD 1023	An Act To Require a Seller of a Gas Station To Provide an Updated Inspection Prior to Sale of the Property	ONTP
LD 1048	An Act To Increase the Amount of the Deposit on Returnable Beverage Containers	LEAVE TO WITHDRAW
LD 1320	An Act To Ensure the Availability of Alcohol-free Motor Fuels	

Consumer Protection

Enacted

LD 232	An Act To Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions	PUBLIC 152
LD 566	An Act To Amend the Petroleum Market Share Act	PUBLIC 119
LD 673	An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States	PUBLIC 53
LD 1062	Resolve, To Assist Artists, Art Galleries and Art Dealers	RESOLVE 92
LD 1085	An Act Concerning Dispute Resolution in Home Construction Contracts	PUBLIC 173
LD 1183	An Act To Prevent Predatory Marketing Practices against Minors	PUBLIC 230

Not Enacted

LD 201	An Act To License Commercial Painters	ACCEPTED ONTP REPORT
LD 272	An Act To License Home Building and Improvement Contractors	
LD 355	An Act To Protect Residential Consumers of Home Heating Fuel	
LD 366	An Act To Protect Confidential Consumer Records in Self-service Storage Facilities	ONTP
LD 813	An Act To Require Plain Language in Consumer Contracts	ONTP
LD 1137	An Act To Limit the Interest Charged under Rental-purchase Agreements	ONTP
LD 1196	An Act To Ensure Royalties to Visual Artists	LEAVE TO WITHDRAW

Economic Development- Agencies

Enacted

LD 892	An Act To Improve Assistance for Technology-based Entrepreneurs	PUBLIC 90
LD 1054	An Act To Promote Economic Development in the Greater Portland Region	P & S 23
LD 1186	Resolve, To Facilitate the Creation and Expansion of an Identified Business Sector	RESOLVE 62
LD 1477	Resolve, Authorizing the Finance Authority of Maine To Oversee an Obligation Owed to the State by Lincoln Paper and Tissue, LLC	RESOLVE 124 EMERGENCY

Not Enacted

LD 999	An Act To Streamline the Evaluation of Economic Development Programs	LEAVE TO WITHDRAW
LD 1389	An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine	

Economic Development-Programs

Enacted

LD 11	Resolve, To Encourage the Preservation of Dark Skies	RESOLVE 22
LD 271	An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts	PUBLIC 21 EMERGENCY

LD 500	An Act To Include as Authorized Project Costs the Construction or Improvement of Buildings Used by Municipalities for Purposes of Designating Municipal Development Districts	PUBLIC 126
LD 1257	An Act To Require Legislative Consultation and Approval Prior to Committing the State to Binding International Trade Agreements	PUBLIC 385
LD 1394	An Act To Modify the Regional Economic Development Revolving Loan Program	PUBLIC 131
LD 1413	Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity	RESOLVE 110 EMERGENCY
LD 1468	An Act Regarding the Evaluation of Economic Development Programs	PUBLIC 337 EMERGENCY
LD 1473	An Act To Reaffirm Maine's Commitment to Business by Amending the Pine Tree Development Zone Laws	PUBLIC 461
<u>Not Enacted</u>		
LD 1	An Act To Stimulate Capital Investment for Innovative Businesses in Maine	
LD 47	An Act To Allow the Town of Baldwin To Be Eligible for Full Pine Tree Development Zone Benefits	ONTP
LD 91	An Act To Fund the Maine Downtown Center	
LD 175	An Act To Modify the Maine Seed Capital Tax Credit Program	LEAVE TO WITHDRAW
LD 267	An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits	DIED ON ADJOURNMENT
LD 317	An Act to Facilitate Repairs to the Saco River Retaining Wall	ONTP
LD 469	An Act To Strengthen Rural Community Investment	ONTP
LD 504	An Act To Enhance Economic Development in Rural Maine	ONTP
LD 612	An Act To Assist Small Businesses with Creating Jobs	INDEF PP
LD 613	An Act To Recruit Businesses from Other States	ONTP
LD 731	An Act To Designate Cumberland County as a Pine Tree Development Zone	ONTP
LD 958	An Act To Encourage Renewable Energy Investment	ACCEPTED ONTP REPORT

LD 959	An Act To Amend the Laws Governing the Maine Economic Improvement Fund	ACCEPTED ONTP REPORT
LD 998	An Act To Provide a Strategic Planning Fund for Research and Development and Technology-related Companies	ONTP
LD 1393	An Act To Provide an Exception to the Pine Tree Development Zone Requirements for Seafood Processing Businesses	

Housing

Not Enacted

LD 58	Resolve, To Suspend Certain Maine State Housing Authority Rules for Low-income Home Energy Assistance Program Grant Applications	ONTP
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Occupational and Professional Regulation

Enacted

LD 12	Resolve, Directing the Department of Professional and Financial Regulation To Amend Its Rules Governing Pastoral Counselors	RESOLVE 13 EMERGENCY
LD 89	An Act To Amend the Laws Concerning Informal Conferences as Part of the Board of Licensure in Medicine's Disciplinary Proceedings	PUBLIC 28
LD 94	An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program	PUBLIC 47
LD 156	An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession	PUBLIC 44
LD 184	An Act To Allow a Cosmetologist, Barber, Manicurist or Aesthetician Licensee To Perform Services outside of the Primary Business Location	PUBLIC 48
LD 421	An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists	PUBLIC 318
LD 565	Resolve, To Direct the Board of Dental Examiners To Review the Definition of "Edentulous Arch" in the Rules Governing Denturists	RESOLVE 34
LD 630	An Act To Update and Streamline State Licensing Laws and Clarify the Process for Appealing Final Decisions of Certain Licensing Entities	PUBLIC 112
LD 683	An Act To Promote Cost-effective and Broad-based Vision Care for Maine Citizens by Clarifying the Scope of Prescription Authority by an Optometrist	PUBLIC 195
LD 695	An Act To Streamline Health Care Services in Maine by Allowing Certified Nurse Practitioners and Certified Nurse Midwives To Verify Medical Papers and Records	PUBLIC 259

LD 710	An Act To Allow Qualified, Licensed Denturists To Practice to the Level of Their Educational Training	PUBLIC 227
LD 966	An Act To Amend the Licensing Requirements for Marriage and Family Therapists	PUBLIC 172
LD 1089	An Act To Regulate Mixed Martial Arts Competitions, Exhibitions and Events	PUBLIC 352
LD 1193	Resolve, To Establish Uniform Protocols for the Use of Controlled Substances	RESOLVE 56
LD 1223	An Act To Allow Pharmacists To Administer Certain Immunizations	PUBLIC 308
LD 1240	Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding a Proposal To License Wetland Scientists	RESOLVE 73
LD 1241	Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades	RESOLVE 74
LD 1372	An Act To Simplify Maine's Accountancy Laws	PUBLIC 242
LD 1388	An Act Regarding the Licensing Fees for Certain Professional Programs	PUBLIC 241
LD 1455	An Act To Establish the Maine Fuel Board	PUBLIC 344

Not Enacted

LD 13	An Act To Expand the Diagnostic Functions of Independent Practice Dental Hygienists	ONTP
LD 215	An Act Regarding the Practice of Professional Engineering without a License	ONTP
LD 281	An Act To Amend the Licensing Requirements for Speech-language Pathology Assistants	ONTP
LD 346	An Act To Improve Elevator Safety	ONTP
LD 370	An Act To Allow Mixed Martial Arts Competitions in Maine	ONTP
LD 419	Resolve, To Increase Access to Dental Care in Rural Areas through Encouraging Distance Learning for Dental Hygienist Training	ONTP
LD 519	An Act To Expand the Diagnostic Function of Denturists	ONTP
LD 937	An Act To License Septic System Installers	ONTP

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