

STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

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

April 2010

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Joint Standing Committee on Business, Research and Economic Development

LD 1 **An Act To Stimulate Capital Investment for Innovative Businesses in
Maine**

PUBLIC 633

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM MAJ ONTP MIN	S-378

This bill was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053. The bill is modeled on statutes in Arkansas, Iowa, Michigan, Montana and Utah. It authorizes the establishment of the Maine Fund of Funds within the Small Enterprise Growth Board for the purpose of increasing the availability of venture capital to the Maine economy. The fund is managed by a director chosen by the Small Enterprise Growth Board by means of a competitive selection. The Small Enterprise Growth Board has authority to close the fund if necessary to protect the State's interests. The board raises capital for the fund by offering as security refundable tax credits issued by the board, with the goal of attracting venture capital investment in the State's economy. The board maintains regulatory control over the fund. The bill requires annual audits and reports on the fund.

The goal of the fund is to create investments in the Maine economy, which is broadly described as including the development of intellectual capital as well as job creation. The director may invest outside of the State as necessary to maximize returns and reduce the likelihood that tax credits will be redeemed. The bill provides that net profits from the fund after payment of obligations must be remitted to the General Fund. It also provides the Maine Public Employees Retirement System a preference in becoming a lender of capital and a special provision that the Maine Public Employees Retirement System may be granted a piece of the profits as an additional inducement to becoming a capital lender. Tax credits may not be redeemed for defaults occurring later than 2031, and the bill restricts tax credit redemption to \$10,000,000 per year.

Committee Amendment "A" (S-378)

This amendment is the majority report of the committee and it replaces the bill with a smaller initiative to encourage, but not require, the Maine Public Employees Retirement System to invest in venture capital funds that are seeking to invest in Maine businesses in the targeted technology sectors. The amendment establishes an innovation finance program authorizing the Finance Authority of Maine to approve refundable tax credits equal to up to 80% of certain investments by the retirement system in venture capital funds that the authority determines will give strong consideration to investing in Maine businesses. Tax credits under this program are limited to \$20,000,000. No more than \$4,000,000 of tax credits may be placed at risk with respect to any single venture capital fund. The amendment includes a recapture provision where if the retirement system redeems a credit and subsequently achieves an aggregate annual return in excess of 8% on all investments under the program, it is required to return the excess to the State until it has reimbursed the credits redeemed. It also adds an exception from the laws governing public records by allowing the retirement system to protect the confidentiality of information that could impair the ability of the retirement system to obtain such information in the future or that could cause substantial harm to the retirement system or that could cause substantial harm to the venture capital funds into which the retirement system invests under the innovation finance program.

Enacted Law Summary

Public Law 2009, chapter 633 establishes an innovation finance program to encourage, but not require, the Maine Public Employees Retirement System to invest in venture capital funds that are seeking to invest in Maine businesses in the targeted technology sectors. The innovation finance program authorizes the Finance Authority of Maine to approve refundable tax credits equal to up to 80% of certain investments by the retirement system in venture capital funds that the authority determines will give strong consideration to

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investing in Maine businesses. Tax credits under this program are limited to \$20,000,000. No more than \$4,000,000 of tax credits may be placed at risk with respect to any single venture capital fund. The law includes a recapture provision where if the retirement system redeems a credit and subsequently achieves an aggregate annual return in excess of 8% on all investments under the program, it is required to return the excess to the State until it has reimbursed the credits redeemed. It also adds an exception from the laws governing public records by allowing the retirement system to protect the confidentiality of information that could impair the ability of the retirement system to obtain such information in the future or that could cause substantial harm to the retirement system or that could cause substantial harm to the venture capital funds into which the retirement system invests under the innovation finance program.

LD 91 An Act To Fund the Maine Downtown Center

P & S 42

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON GOODALL	OTP-AM	H-607

This bill was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053. This bill includes ongoing General Fund appropriations of \$75,000 per year to recapitalize the Maine Downtown Center.

Committee Amendment "B" (H-607)

This amendment strikes the appropriations and allocations section of the bill and replaces it with a one-time appropriation to the Executive Department, State Planning Office to recapitalize the Maine Downtown Center.

Enacted Law Summary

Private and Special Law 2009, chapter 42 provides a one-time appropriation to the Executive Department, State Planning Office to recapitalize the Maine Downtown Center.

LD 272 An Act To License Home Building and Improvement Contractors

**DIED BETWEEN
HOUSES**

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

This bill was carried over from the First Regular Session of the 124th Legislature pursuant to Joint Order H.P. 1053. This 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.

Committee Amendment "A" (H-760)

This amendment is the minority report of the committee and it replaces the bill. It creates the Maine Residential Builders and Specialty Contractors Act and establishes the Maine Residential Builders and Specialty Contractors Board within the Department of Professional and Financial Regulation, Office of Licensing and Registration.

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

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

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

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

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

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

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

Committee Amendment "A" (H-599)

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

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

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

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

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

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

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

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

Committee Amendment "A" (S-353)

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

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

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

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

Enacted Law Summary

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

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

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

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

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

ONTP

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

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

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

PUBLIC 525

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

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This bill protects the confidentiality of personal information relating to clients, customers or others with whom a tenant does business kept in self-service storage facilities if the tenant defaults on rental payments by requiring that the tenant notify the facility operator when the tenant intends to store such information, prohibiting the sale at auction of such information if the facility operator knows of its existence and requiring a purchaser of the contents of a unit to return any personal information.

Committee Amendment "A" (S-389)

This amendment strikes language in the bill regarding requirements for a self-service storage rental agreement. It also adds medical information to the definition of "personal information" and makes other technical corrections to the bill.

Enacted Law Summary

Public Law 2009, chapter 525 protects the confidentiality of personal information relating to clients, customers or others with whom a tenant does business kept in self-service storage facilities if the tenant defaults on rental payments by requiring that the tenant notify the facility operator when the tenant intends to store such information, prohibiting the sale at auction of such information if the facility operator knows of its existence and requiring a purchaser of the contents of a unit to return any personal information.

**LD 1505 Resolve, To Ensure Consistency in the Scheduled Expiration of Terms
of the Board Members of the Finance Authority of Maine**

**RESOLVE 162
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WRIGHT SCHNEIDER	OTP-AM	H-657

This resolve amends the terms of membership of 3 members of the board of directors of the Finance Authority of Maine in order to ensure that the terms of the board members remain staggered in accordance with laws governing those terms.

Committee Amendment "A" (H-657)

This amendment, like the resolve, amends the terms of membership of 3 members of the board of directors of the Finance Authority of Maine to ensure that the terms of the board members remain staggered. However, the amendment changes one of the board members, pushes back the terms affected and clarifies that members serve 4-year terms after the changed terms have expired.

Enacted Law Summary

Resolve 2009, chapter 162 amends the terms of membership of 3 members of the board of directors of the Finance Authority of Maine to ensure that the terms of the board members remain staggered. It pushes back the terms affected and clarifies that members serve 4-year terms after the changed terms have expired.

Resolve 2009, chapter 162 was finally passed as an emergency measure effective March 17, 2010.

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LD 1520 An Act To Allow the Board of Dental Examiners To Grant Permits to Qualified Individuals To Practice as Dental Residents

PUBLIC 464

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

This bill allows the Board of Dental Examiners to issue a temporary permit to a qualified individual to practice as a dental resident under the supervision of a licensed dentist within a board-approved dental residency program setting.

Enacted Law Summary

Public Law 2009, chapter 464 allows the Board of Dental Examiners to issue a temporary permit to a qualified individual to practice as a dental resident under the supervision of a licensed dentist within a board-approved dental residency program setting.

LD 1530 An Act To Facilitate Recovery Zone Facility Bonds, Recovery Zone Economic Development Bonds and Qualified Energy Conservation Bonds

PUBLIC 517
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-381

This bill facilitates the issuance of recovery zone facility bonds authorized by the federal American Recovery and Reinvestment Act of 2009.

Committee Amendment "A" (S-381)

This amendment makes technical changes to the bill and creates a mechanism to allow for a reallocation process that waives each county's allocation for facility bonds, economic development bonds and qualified energy conservation bonds pursuant to the federal American Recovery and Reinvestment Act of 2009 to the Finance Authority of Maine and the Maine Municipal Bond Bank to enable the reallocation of the unused volume cap across the State in a timely manner.

Enacted Law Summary

Public Law 2009, chapter 517 facilitates the issuance of recovery zone facility bonds authorized by the federal American Recovery and Reinvestment Act of 2009. It creates a mechanism to allow for a reallocation process that waives each county's allocation for facility bonds, economic development bonds and qualified energy conservation bonds pursuant to the federal American Recovery and Reinvestment Act of 2009 to the Finance Authority of Maine and the Maine Municipal Bond Bank to enable the reallocation of the unused volume cap across the State in a timely manner.

Public Law 2009, chapter 517 was enacted as an emergency measure effective March 17, 2010.

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LD 1541 An Act To Protect Consumers from Charges after a Free Trial Period

PUBLIC 502

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUNT SCHNEIDER	OTP-AM	H-626

This bill prohibits a merchant from offering a consumer product or service for a free trial period if the consumer is required to contact the merchant to avoid receiving additional products or services and incurring a financial obligation.

Committee Amendment "A" (H-626)

This amendment replaces the bill and makes the following changes to the laws governing required disclosures to consumers.

The amendment repeals the current prohibition on charges after a trial period and instead prohibits a seller from making a free offer to a consumer in Maine unless, at the time the consumer agrees to the free offer, the seller obtains directly from the consumer information necessary for billing the consumer and the seller provides the consumer with clear and conspicuous information regarding the terms of the free offer, including any additional financial obligations that may be incurred as a result of accepting the free offer.

The amendment also repeals the current exception for sales under \$25 and adds a new exception for free offers where the seller and the consumer have an established business relationship. The consumer's established business relationship with the seller does not extend to affiliates of the seller, unless the consumer would reasonably expect an affiliate to be included given the nature and type of goods or services offered by the affiliate and the identity of the affiliate.

Enacted Law Summary

Public Law 2009, chapter 502 makes the following changes to the laws governing required disclosures to consumers:

1. It repeals the current prohibition on charges after a trial period and instead prohibits a seller from making a free offer to a consumer in Maine unless, at the time the consumer agrees to the free offer, the seller obtains directly from the consumer information necessary for billing the consumer and the seller provides the consumer with clear and conspicuous information regarding the terms of the free offer, including any additional financial obligations that may be incurred as a result of accepting the free offer; and
2. It also repeals the current exception for sales under \$25 and adds a new exception for free offers where the seller and the consumer have an established business relationship. The consumer's established business relationship with the seller does not extend to affiliates of the seller, unless the consumer would reasonably expect an affiliate to be included given the nature and type of goods or services offered by the affiliate and the identity of the affiliate.

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LD 1572 An Act To Correct Errors in the Laws Relating to Unlicensed Practice and Other Provisions of the Professional and Occupational Licensing Laws

PUBLIC 465

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

This bill amends general provisions relating to the professional and occupational licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration to clarify the application of those provisions to regulatory functions of the office.

The bill also corrects incorrect statutory citations to "this Title" that were not updated when certain provisions were transferred from the Maine Revised Statutes, Title 32 to Title 10.

Enacted Law Summary

Public Law 2009, chapter 465 amends general provisions relating to the professional and occupational licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration to clarify the application of those provisions to regulatory functions of the office.

The law also corrects incorrect statutory citations to "this Title" that were not updated when certain provisions were transferred from the Maine Revised Statutes, Title 32 to Title 10.

LD 1597 An Act To Clarify the Educational Requirements for Eligibility for Examination for Licensure as a Certified Public Accountant

**ACCEPTED ONTP
REPORT**

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

This bill clarifies the law pertaining to the educational requirements for eligibility for examination for licensure as a certified public accountant and the requirements for licensure.

LD 1608 Resolve, Directing the Commissioner of Professional and Financial Regulation To Study the Complaint Resolution Process

RESOLVE 191

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N GOODALL	OTP-AM	H-658 S-438 BARTLETT

This bill establishes the Independent Office of Administrative Law Judges to decide cases related to licensing complaints from licensing boards under the Department of Professional and Financial Regulation.

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Committee Amendment "A" (H-658)

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

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

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

Enacted Law Summary

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

LD 1659 An Act To Enhance the Small Enterprise Growth Fund

PUBLIC 475

Sponsor(s)

RECTOR

Committee Report

OTP

Amendments Adopted

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

Enacted Law Summary

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

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

PUBLIC 641
EMERGENCY

Sponsor(s)

GERZOFISKY

Committee Report

OTP-AM

Amendments Adopted

S-503

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

Committee Amendment "A" (S-503)

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

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

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

Enacted Law Summary

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

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

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

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

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

3. For payments made to the fund in 2014 and after, 50% must be allocated to the college and 50% must be allocated to the authority.

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

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

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

**PUBLIC 560
EMERGENCY**

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

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

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

Committee Amendment "A" (S-427)

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

Enacted Law Summary

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

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

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LD 1679 An Act To Create Jobs and Stimulate Economic Development by Making Captive Insurers Eligible for Pine Tree Development Zone Benefits

**PUBLIC 627
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-400

This bill makes captive insurance companies located anywhere in the State eligible for Pine Tree Development Zone benefits for a 10-year period and provides for a 100% state income tax credit during that 10-year period. The bill also extends the availability of the income tax credit for all qualified Pine Tree Development Zone businesses for 10 years until 2029.

Committee Amendment "A" (S-400)

This amendment strikes sections of the bill that designate all captive insurance companies anywhere in the State as being in a tier 1 location for purposes of Pine Tree Development Zone benefits but leaves the amended definition of "financial services" within the Pine Tree Development Zone laws to clarify that captive insurance companies are part of the financial services sector and therefore eligible to apply for Pine Tree Development Zone benefits. It retroactively restores electricity rate benefits for qualified Pine Tree Development Zone businesses. The amendment also makes several technical corrections to the Pine Tree Development Zone laws in order to ensure that the tax benefits in the bill as amended expire on the same date. This amendment also makes those technical corrections retroactive to September 12, 2009, the date the law establishing tier 1 and tier 2 locations took effect. It makes a correction to the tax increment financing laws to reflect the changes made to the Pine Tree Development Zone laws.

Enacted Law Summary

Public Law 2009, chapter 627 amends the definition of "financial services" within the Pine Tree Development Zone laws to clarify that captive insurance companies are part of the financial services sector and therefore eligible to apply for Pine Tree Development Zone benefits. It retroactively restores electricity rate benefits for qualified Pine Tree Development Zone businesses. The law also makes several technical corrections to the Pine Tree Development Zone laws in order to ensure that the tax benefits in the bill as amended expire on the same date. This law also makes those technical corrections retroactive to September 12, 2009, the date the law establishing tier 1 and tier 2 locations took effect. It also makes a correction to the tax increment financing laws to reflect the changes made to the Pine Tree Development Zone laws.

Public Law 2009, chapter 627 was enacted as an emergency measure effective April 9, 2010.

LD 1683 An Act Regarding the Law Governing Recreational Vehicle Manufacturers, Distributors and Dealers

PUBLIC 562

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-396

This bill removes motorized recreational vehicles from the laws governing motor vehicle manufacturers, distributors and dealers and adds them to the laws governing nonmotorized recreational vehicles.

Committee Amendment "A" (S-396)

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This amendment makes several technical changes to the bill. It makes changes to the provisions governing good cause in dealer agreements, amends the number of days for written notice within survivorship provisions, amends the terms for reasonable compensation under the warranty and strikes the provision allowing the court to award attorney's fees and replaces it with the requirement that each party must be responsible for its own attorney's fees.

Enacted Law Summary

Public Law 2009, chapter 562 removes motorized recreational vehicles from the laws governing motor vehicle manufacturers, distributors and dealers and adds them to the laws governing nonmotorized recreational vehicles.

LD 1685 An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine

PUBLIC 582

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON	OTP-AM	H-753

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to enhance and clarify the licensing and oversight authority of the Mixed Martial Arts Authority of Maine, which is established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 4-D.

Committee Amendment "A" (H-753)

This amendment replaces the bill, which was a concept draft. It authorizes the board of directors of the Mixed Martial Arts Authority of Maine to conduct specific inspections of mixed martial arts competitions, exhibitions or events and enhances enforcement mechanisms of the board. The amendment requires the authority to adopt rules regarding the certification process for authorized participants and a requirement that a physician be present during each mixed martial arts competition, exhibition or event. It allows the board to discipline authorized participants if they fail to adhere to the rules adopted by the authority and allows for fines up to \$500 for each violation. It extends the deadline for the authority to adopt rules from March 1, 2010 to October 15, 2010.

Enacted Law Summary

Public Law 2009, chapter 582 authorizes the board of directors of the Mixed Martial Arts Authority of Maine to conduct specific inspections of mixed martial arts competitions, exhibitions or events and enhances enforcement mechanisms of the board. The law requires the authority to adopt rules regarding the certification process for authorized participants and adds the requirement that a physician be present during each mixed martial arts competition, exhibition or event. It allows the board to discipline authorized participants if they fail to adhere to the rules adopted by the authority and allows for fines up to \$500 for each violation. The law extends the deadline for the authority to adopt rules from March 1, 2010 to October 15, 2010.

LD 1701 An Act To Facilitate an Increase in Sales of Motor Vehicles

ONTP

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

This bill removes the current prohibition on sales of motor vehicles on Sunday. In addition, this bill repeals the existing exception from that prohibition for the sale of motor homes, which will no longer be necessary.

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LD 1702 An Act To Amend the Laws Governing Advanced Practice Registered Nurses

PUBLIC 512

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

This bill repeals a provision in the laws governing registered nurses relating to delegated medical procedures that are already within the scope of practice of certain advanced practice registered nurses.

Enacted Law Summary

Public Law 2009, chapter 512 repeals a provision in the laws governing registered nurses relating to delegated medical procedures that are already within the scope of practice of certain advanced practice registered nurses.

LD 1743 An Act To Provide for the 2010 and 2011 Allocations of the State Ceiling on Private Activity Bonds

**P & S 33
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-624

This bill establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2010 and 2011. Under federal law, a maximum of \$273,775,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2010 and at least \$273,775,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2011. This bill allocates the state ceiling among the state level issuers of tax-exempt bonds.

Committee Amendment "A" (H-624)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2009, chapter 33 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2010 and 2011. Under federal law, a maximum of \$273,775,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2010 and at least \$273,775,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2011. This law allocates the state ceiling among the state level issuers of tax-exempt bonds.

Private and Special Law 2009, chapter 33 was enacted as an emergency measure effective March 5, 2010.

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LD 1774 An Act To Strengthen Collection of Unredeemed Beverage Container Deposits

PUBLIC 592
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L SCHNEIDER	OTP-AM MAJ OTP-AM MIN	H-717

This bill amends the laws relating to beverage containers to provide that the Department of Agriculture, Food and Rural Resources may remove beverages from sale when the initiator of deposit is not in compliance with reporting and payment requirements.

This bill amends the laws governing the Department of Administrative and Financial Services, Bureau of Revenue Services to provide that the bureau may disclose to the Department of Agriculture, Food and Rural Resources registration, reporting and payment information necessary for the administration and enforcement of the beverage container laws.

Committee Amendment "A" (H-717)

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

Committee Amendment "B" (H-718)

This amendment is the minority report of the committee and replaces the bill with a provision that exempts wine distributors that are not participants in commingling agreements and that have wine distributing facilities in this State from the laws governing unclaimed deposits for beverage containers. This amendment also removes the emergency preamble and the emergency clause.

Enacted Law Summary

Public Law 2009, chapter 592 amends the laws relating to beverage containers to provide that the Department of Agriculture, Food and Rural Resources may remove beverages from sale when the initiator of deposit is not in compliance with reporting and payment requirements. It amends the laws governing the Department of Administrative and Financial Services, Bureau of Revenue Services to provide that the bureau may disclose to the Department of Agriculture, Food and Rural Resources registration, reporting and payment information necessary for the administration and enforcement of the beverage container laws.

Public Law 2009, chapter 592 was enacted as an emergency measure effective April 1, 2010.

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Bonds

Enacted

LD 1530	An Act To Facilitate Recovery Zone Facility Bonds, Recovery Zone Economic Development Bonds and Qualified Energy Conservation Bonds	PUBLIC 517 EMERGENCY
LD 1743	An Act To Provide for the 2010 and 2011 Allocations of the State Ceiling on Private Activity Bonds	P & S 33 EMERGENCY

Business Regulation

Enacted

LD 1683	An Act Regarding the Law Governing Recreational Vehicle Manufacturers, Distributors and Dealers	PUBLIC 562
LD 1774	An Act To Strengthen Collection of Unredeemed Beverage Container Deposits	PUBLIC 592 EMERGENCY

Not Enacted

LD 696	Resolve, To Reclaim Past Unredeemed Beverage Container Deposits	ACCEPTED ONTP REPORT
LD 1701	An Act To Facilitate an Increase in Sales of Motor Vehicles	ONTP

Consumer Protection

Enacted

LD 1499	An Act To Protect Confidential Consumer Records in Self-service Storage Facilities	PUBLIC 525
LD 1541	An Act To Protect Consumers from Charges after a Free Trial Period	PUBLIC 502
LD 1677	An Act Regarding the Laws Governing Data Collection and Marketing Practices Directed at Minors	PUBLIC 560 EMERGENCY

Not Enacted

LD 272	An Act To License Home Building and Improvement Contractors	DIED BETWEEN HOUSES
LD 355	An Act To Protect Residential Consumers of Home Heating Fuel	ONTP

Economic Development- Agencies

Enacted

LD 1505	Resolve, To Ensure Consistency in the Scheduled Expiration of Terms of the Board Members of the Finance Authority of Maine	RESOLVE 162 EMERGENCY
LD 1664	An Act To Enhance the Redevelopment of the Brunswick Naval Air Station	PUBLIC 641 EMERGENCY

Economic Development-Programs

Enacted

LD 1	An Act To Stimulate Capital Investment for Innovative Businesses in Maine	PUBLIC 633
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LD 1389	An Act To Create Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine	PUBLIC 483
LD 1659	An Act To Enhance the Small Enterprise Growth Fund	PUBLIC 475
LD 1679	An Act To Create Jobs and Stimulate Economic Development by Making Captive Insurers Eligible for Pine Tree Development Zone Benefits	PUBLIC 627 EMERGENCY

Not Enacted

LD 1393	An Act To Provide an Exception to the Pine Tree Development Zone Requirements for Seafood Processing Businesses	ONTP
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Occupational and Professional Regulation

Enacted

LD 1520	An Act To Allow the Board of Dental Examiners To Grant Permits to Qualified Individuals To Practice as Dental Residents	PUBLIC 464
LD 1572	An Act To Correct Errors in the Laws Relating to Unlicensed Practice and Other Provisions of the Professional and Occupational Licensing Laws	PUBLIC 465
LD 1608	Resolve, Directing the Commissioner of Professional and Financial Regulation To Study the Complaint Resolution Process	RESOLVE 191
LD 1685	An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine	PUBLIC 582
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Not Enacted

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