

Joint Standing Committee on Business, Research and Economic Development

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

<u>Sponsor(s)</u> BOWEN HOBBINS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 24 proposed to allow members of the Advisory Committee on Family Development Accounts to serve for consecutive terms. It also proposed to allow expenses to be paid for members of the advisory committee representing account holders as was enacted by Public Law 2003, chapter 673, Part QQ, section 1.

Enacted law summary

Public Law 2005, chapter 4 allows members of the Advisory Committee on Family Development Accounts to serve for consecutive terms. It allows expenses to be paid for members of the advisory committee representing account holders as was enacted by Public Law 2003, chapter 673, Part QQ, section 1.

LD 49 **Resolve, To Reduce Forgery and Fraud in Obtaining Prescription Drugs** **ONTP**

<u>Sponsor(s)</u> GREELEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 49 proposed to require the Department of Professional and Financial Regulation, Maine Board of Pharmacy to adopt rules by October 15, 2005 requiring prescribers of medication to include the written word for any number used in the prescription. The bill proposed to require that rules adopted by the Department would be routine technical rules.

LD 58 **An Act To Support Payroll Processors** **ONTP**

<u>Sponsor(s)</u> LANSLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 58 proposed to repeal the surety bond requirement for payroll processors, as well as related statutory enforcement provisions.

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LD 110 **An Act To Implement the Recommendations of the Commission
To Study Public Health Concerning Chain Restaurants** **ONTP**

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

LD 110 proposed to require restaurants that are part of chains with 20 or more locations nationally to provide caloric information for food and drink items on menus or menu boards. The bill proposed to specify the size and placement of this information. The bill also proposed to exempt telephone orders from the requirements and allow for reasonable variation of calories in food items from the provided caloric information due to the assembly of items by hand or changes or substitutions made at the request of the customer.

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN RECTOR	OTP-AM	S-129

LD 159 proposed to prohibit real estate buyers, sellers and closing agents from agreeing to side deals not reflected on closing documents if those side deals have the effect of overstating the value of the contract sales price.

Committee Amendment "A" (S-129) proposed to remove licensed real estate professionals from the prohibition on agreeing to side deals that are not reflected on closing documents if those side deals have the effect of overstating the value of the contract sales price. It also proposed to establish that violations of this section constitute violations of the Maine Unfair Trade Practices Act.

Enacted law summary

Public Law 2005, chapter 161 prohibits real estate buyers, sellers and settlement agents from agreeing to side deals not reflected on closing documents if those side deals have the effect of overstating the value of the contract sales price. It establishes that any violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

LD 164 **An Act To Amend the Laws Governing Signs at Service Stations** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT-DESCHENE DAMON	ONTP	

LD 164 proposed to allow retail sellers of gasoline to use digital or electronic signs to post price information for gasoline.

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LD 191 **An Act Requiring Internet Auction Registration** **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 191 proposed to require an Internet auction listing service to register with the Department of Professional and Financial Regulation, Office of Licensing and Registration if that service, user of the service, personal property, or a service offered for sale or lease is located or provided in the State. As part of this registration, among other requirements, the bill proposed to require that covered Internet auction listing services collect and maintain users' contact information and have policies enabling complaints to be made and users to be suspended. The bill proposed to make operation of a covered Internet auction listing service without registering a Class E crime, and proposed to establish grounds for denial or suspension of a registration and provide the Commissioner of Professional and Financial Regulation with the authority to adopt rules to implement the registration process.

LD 192 **An Act To Establish the Pine Tree Recreation Zone** **CARRIED OVER**

<u>Sponsor(s)</u> MOODY DAVIS P		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 192 proposed to establish the Pine Tree Recreation Zone as the area of the State north and east of the Androscoggin River. Businesses that establish or expand within the Pine Tree Recreation Zone operations involving outdoor recreation, such as providing services or merchandise relating to guiding, hunting, fishing, skiing, snowboarding, snowmobiling or water sports, would be eligible for tax benefits equal to those offered to businesses under the Pine Tree Development Zone program. The bill proposed to provide that these benefits would include sales tax exemptions for certain building materials and tangible personal property, exclusion from the calculation of a municipality's tax increment financing district within the Pine Tree Recreation Zone, employment tax increment financing for a fixed period of years and state income tax credits for a fixed number of years.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 208 **An Act To Lower the Surety Bond Requirement for Payroll Processors** **ONTP**

<u>Sponsor(s)</u> O'BRIEN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 208 proposed to lower the minimum amount of surety bonding required to be purchased by payroll processors from \$100,000 to \$10,000 and lower the maximum required surety bonding from \$500,000 to \$50,000.

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LD 225 **An Act To Regulate Pharmaceutical Detailers** **ONTP**

<u>Sponsor(s)</u> MAYO PINGREE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 225 proposed to require the annual registration of pharmaceutical detailers with the Maine Board of Pharmacy beginning October 1, 2005. A pharmaceutical detailer is a person who acts in an educational role on behalf of a pharmaceutical manufacturer or labeler regarding its drugs, supplies and other products, but a pharmaceutical detailer is not registered as a lobbyist for a pharmaceutical manufacturer or labeler. The bill proposed to require a registration fee not to exceed \$50 and proposed to authorize the board to adopt rules regarding the registration of pharmaceutical detailers.

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

<u>Sponsor(s)</u> BROMLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 226 proposed to amend the names of the Applied Technology Development Centers and its coordinating board, remove the position of Applied Technology Development Center System Director and transfer the responsibilities of the Department of Economic and Community Development for marketing and recruiting tenants to the centers. The bill also proposed to establish a funding cap on the initial funding of a center and remove old references to named centers for the purpose of the initial funding allocations.

Enacted law summary

Public Law 2005, chapter 19 changes the names of the Applied Technology Development Centers and its coordinating board, removes the position of Applied Technology Development Center System Director and transfers the responsibilities of the Department of Economic and Community Development for marketing and recruiting tenants to the centers. It also establishes a funding cap on the initial funding of a center and removes old references to named centers for the purpose of the initial funding allocations.

LD 259 **An Act To Require Water Tests prior to the Sale of Homes** **ONTP**

<u>Sponsor(s)</u> MOORE G DIAMOND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 259 proposed to require that, if a property has a private water supply, the seller of residential real property would be required to provide to the purchaser the results of a water test. The bill also proposed to require the Real Estate Commission to adopt rules to ensure consistency with the requirements of disclosure of water test results.

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LD 267

**An Act To Ensure Sufficient Staffing To Properly Enforce the
Laws and Rules of the Manufactured Housing Board**

P & S 25

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

LD 267 proposed to provide an Other Special Revenue funds allocation for one Manufactured Housing Inspector position and related All Other effective October 1, 2005.

Committee Amendment "A" (S-114) proposed to replace the bill. It proposed to increase the Other Special Revenue funds allocation for one Manufactured Housing Inspector position and related All Other effective October 1, 2005.

Enacted law summary

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

LD 288

Resolve, To Improve Maine's Economic Competitiveness

ONTP

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

LD 288 proposed to direct the Department of Economic and Community Development to review existing regulatory and tax laws to identify areas where businesses in the State are placed in a competitive disadvantage in relation to other states and suggest necessary reforms to correct apparent problems in a report to the Legislature due December 7, 2005.

LD 304

An Act To Allow People To Buy Motor Vehicles on Sundays

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDELL NASS R	ONTP	

LD 304 proposed to remove the current prohibition on sales of motor vehicles on Sunday. Due to the repeal of the Maine Revised Statutes, Title 17, section 3203, the current exception for the sale of motor homes on Sundays is no longer necessary and was proposed to be repealed in this bill.

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

<u>Sponsor(s)</u> PERRY J DUNN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-135
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LD 341 proposed to change the definition of academic medical center to allow more hospitals to qualify for funding consideration as academic medical centers.

Committee Amendment "A" (S-135) proposed to replace the bill. The amendment proposed to provide that applicants created after July 1, 2001 could be eligible for funding from the Maine Biomedical Research Fund if an affiliate of the applicant is able to satisfy the eligibility requirements for funding. The amendment also proposed to define "affiliate" for the purposes of the Maine Biomedical Research Program.

Enacted law summary

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

LD 366 **An Act To Protect Consumers by Requiring Retail Businesses To Post Complaint Contacts** **ONTP**

<u>Sponsor(s)</u> SULLIVAN O'BRIEN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 366 proposed to require every retail business in the State to place a sign at the point of sale with the name of the owner or parent company of the business and a telephone number in case of consumer complaints. The bill proposed to require that the contact be someone of authority other than the manager on duty.

LD 369 **An Act To Require the Disclosure of the State's Implied Warranty Laws** **ONTP**

<u>Sponsor(s)</u> COWGER DUDLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 369 proposed to require sellers of service contracts for consumer goods to provide information to potential buyers on the State's implied warranty law.

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LD 391

**An Act To Amend the Maine Motor Vehicle Franchise Board
Laws**

PUBLIC 61

<u>Sponsor(s)</u> RECTOR HOBBINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-90
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LD 391 proposed to make technical amendments to the Maine Motor Vehicle Franchise Board laws to provide for alternate members and proposed to clarify that the board has adopted its own adjudicatory rules that make the board exempt from parallel Maine Administrative Procedure Act requirements.

Committee Amendment "A" (H-90) proposed to provide for 5-year term limits for alternate members appointed to the Maine Motor Vehicle Franchise Board.

Enacted law summary

Public Law 2005, chapter 61 makes technical amendments to the Maine Motor Vehicle Franchise Board laws to provide for alternate members and to clarify that the board has adopted its own adjudicatory rules, which makes the board exempt from parallel Maine Administrative Procedure Act requirements. The law also establishes 5-year term limits for alternate members appointed to the Maine Motor Vehicle Franchise Board.

LD 398

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

PUBLIC 162

<u>Sponsor(s)</u> SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-318
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LD 398 proposed to make the following technical changes to the law concerning the Board of Licensure in Medicine:

1. Clarify and provide specific grounds for disciplining physician assistants;
2. Change the postgraduate training requirements for licensure for applicants who have graduated from an accredited or unaccredited medical school on or after July 1, 2004 to require the completion of at least 36 months in a graduate educational program;
3. Repeal sections of law referring to a state examination and reexamination of physician licensure applicants since the board now uses the national standardized examination set;
4. Change the nomenclature of the "locum tenens" license; and
5. Require physicians 70 years of age or older who continue active practice to pay license registration fees.

Committee Amendment "A" (H-318) proposed to provide that an applicant who has completed 24 months of postgraduate training and has received an unrestricted endorsement from the director of an accredited graduate

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education program in Maine is considered to have satisfied the postgraduate training requirements if the applicant continues in that program and completes 36 months of postgraduate training.

Enacted law summary

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

LD 399

An Act To Recruit and Retain College Graduates through Loan Repayment

PUBLIC 427

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

LD 399 proposed to establish the Future for Youth in Maine Loan Repayment Program to recruit and retain college graduates to start new technology-based businesses and to work in occupations and industries facing labor shortages in the State. The bill proposed to provide that the program would issue loan repayments of up to \$5,000 per year for a maximum of 4 years for graduates who are employed in new technology-based businesses within the Applied Technology Development Center System or in occupations or industries that are facing labor shortages. The bill proposed to direct the Finance Authority of Maine to administer the program.

Committee Amendment "A" (H-553) proposed to provide that an "eligible employment position" may include a position as an employee of a technology-based business developed within any statewide recognized economic development entity. It proposed to delete the provision in the bill that allows eligibility based on full-time employment within a labor shortage area. It also proposed to require the Finance Authority of Maine to identify the eligibility rules for the program in consultation with the Governor.

Senate Amendment "A" (S-400) proposed to strike the appropriation of \$1,000,000 per year to the Future for Youth in Maine Loan Repayment Program. The amendment proposed to allow the Finance Authority of Maine to receive money from sources other than the State to be used to provide loans.

Enacted law summary

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

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technology-based businesses within the Applied Technology Development Center System or other statewide recognized economic development entities. The law directs the Finance Authority of Maine to administer the program and allows the Finance Authority of Maine to receive money from sources other than the State to provide the loans.

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

LD 449

An Act To Make Changes to the Pine Tree Development Zones

**PUBLIC 351
EMERGENCY**

Sponsor(s)
MITCHELL
ROBINSON

Committee Report
OTP-AM

Amendments Adopted
S-297

LD 449 proposed to make the following changes to the Pine Tree Development Zone laws:

1. Clarify the base period prior to a business applying for Pine Tree Development Zone status;
2. Add the utility benefits enacted by Public Law 2003, chapter 610;
3. Remove the authority of the Department of Administrative and Financial Services, Bureau of Revenue Services to review a business certification statement;
4. Clarify the type of land included in the 5,000-acre cap;
5. Allow the Department of Economic and Community Development to add acreage to a zone in order to meet specific project needs;
6. Remove the limit on the number of parcels allowed within a zone;
7. Simplify the amendment process for a zone; and
8. Set criteria for the department to determine when to add acreage to a Pine Tree Development Zone.

Committee Amendment "A" (S-297) proposed to replace the bill and make the following changes to the laws governing the Pine Tree Development Zone, or "zone," program:

1. Clarify the method for determining baseline information, add language to adjust employment seasonality and align definitions with the Maine Employment Tax Increment Financing Program, or "ETIF program;"
2. Update a statutory reference made obsolete by changes made in this amendment;
3. Add the utility benefits enacted by Public Law 2003, chapter 610;

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4. Clarify the requirement for a business to add a new employee, align the qualifying criteria with those under the ETIF program by assigning determination duties to the Department of Economic and Community Development and removing Department of Administration and Financial Services responsibility and redefines "qualified Pine Tree Development Zone employees" to restore the meaning originally used under the ETIF program in order to align programs and match past practice. This section also proposed to clarify the status of shifted employees and assign antishifting oversight to the Department of Economic and Community Development;
5. Clarify that under the 5,000-acre limit, acres need not be contiguous and only developable acres may be counted, align the antipiracy and antishifting provisions by including property in both and clarify the language regarding antipiracy and antishifting if companies move from nonqualified to qualified activities. It also proposed to repeal the limitation on the number of parcels allowed within a zone, opting instead for a cap on total acres. This would permit more communities to participate in each zone as they respond to development project needs;
6. Clarify that zones were legally constituted when the commissioner issued preliminary designations;
7. Simplify the amendment process and clarify that all aspects of a zone's development program may be amended by majority vote of the participating municipalities. Voting responsibilities could be delegated to the zone's governing body. It also proposed to permit municipalities to independently shift or delete acres within their own boundaries and clarify that amendments could not be enacted that would jeopardize existing benefits to qualified businesses;
8. Repeal the sales and use tax exemption for sales to contractors of Pine Tree Development Zone businesses and establish a reimbursement program under which the contractors may recover the tax paid on qualifying purchases;
9. Limit eligibility for Pine Tree Development Zone credit against the insurance premium tax to 10 years from the commencement of the qualified business activity and clarify the rules regarding apportionment of the credit by companies that engage in both qualified and nonqualified activities;
10. Limit eligibility for Pine Tree Development Zone credit against the corporate income tax to 10 years from the commencement of the qualified business activity and clarify the rules regarding apportionment of the credit by corporations that engage in both qualified and nonqualified activities;
11. Limit the amount of Pine Tree Development Zone credit for a member of a pass-through entity to the amount of tax attributable to taxable income derived from the pass-through entity;
12. Redefine "affiliated business" under the ETIF program to match the definition under the Maine Revised Statutes, Title 36, Part 8;
13. Repeal the definition of "affiliated group" under the ETIF program and define "average employment during the base period" for purposes of the ETIF program. Existing law measures employment on December 31st of each year. This change would allow measurement of employment at the end of each quarter during the year, and create a more accurate employment picture;
14. Redefine "base level of employment" for purposes of the ETIF program. Existing law measures employment on December 31st of the previous year. This change would allow measurement of employment at the end of each quarter during the year, and create a more accurate employment picture;

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15. Update a statutory reference made obsolete by the changes in this amendment;
16. Add a limitation to the ETIF program stating that "qualified employees" does not include those employees that are shifted to a qualified activity from elsewhere in the company or from an affiliate of the company. This limitation currently exists in a separate section of law;
17. Repeal the section of law that describes the shifting limitation for the ETIF program. The limitation was moved to Title 36, section 6753, subsection 12 in this amendment; and
18. Amend the ETIF law to reflect the increase in the top percentage of employment tax increment available to employers for qualified employees in a Pine Tree Development Zone tax increment from 75% to 80%.

Enacted law summary

Public Law 2005, chapter 351 makes the following changes to the laws governing the Pine Tree Development Zone, or "zone," program:

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

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7. It limits eligibility for Pine Tree Development Zone credit against the insurance premium tax to 10 years from the commencement of the qualified business activity and clarifies the rules regarding apportionment of the credit by companies that engage in both qualified and nonqualified activities;
8. It limits eligibility for Pine Tree Development Zone credit against the corporate income tax to 10 years from the commencement of the qualified business activity and clarifies the rules regarding apportionment of the credit by corporations that engage in both qualified and nonqualified activities. The law limits the amount of Pine Tree Development Zone credit for a member of a pass-through entity to the amount of tax attributable to taxable income derived from the pass-through entity. The law redefines "affiliated business" under the ETIF program to match the definition under the Maine Revised Statutes, Title 36, Part 8;
9. It repeals the definition of "affiliated group" under the ETIF program and defines "average employment during the base period" for purposes of the ETIF program. Existing law measures employment on December 31st of each year. This change allows measurement of employment at the end of each quarter during the year, creating a more accurate employment picture;
10. It redefines "base level of employment" for purposes of the ETIF program. Existing law measures employment on December 31st of the previous year. This change allows measurement of employment at the end of each quarter during the year, creating a more accurate employment picture. The law updates a statute reference made obsolete by the changes in this amendment;
11. It adds a limitation to the ETIF program stating that "qualified employees" does not include those employees that are shifted to a qualified activity from elsewhere in the company or from an affiliate of the company. This limitation currently exists in a separate section of law;
12. It repeals the section of law that describes the shifting limitation for the ETIF program. The limitation is moved to Title 36, section 6753, subsection 12 in this amendment; and
13. Finally, the law amends the ETIF law to reflect the increase in the top percentage of employment tax increment available to employers for qualified employees in a Pine Tree Development Zone tax increment from 75% to 80%.

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

LD 472

An Act To Amend the Statewide Building Code

PUBLIC 200

<u>Sponsor(s)</u> KOFFMAN COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-295
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LD 472 proposed to require towns, cities or municipalities that adopt the Maine Model Building Code to also adopt the International Existing Building Code, which is a building rehabilitation code.

Committee Amendment "A" (H-295) proposed to require towns, cities or municipalities that adopt a building rehabilitation code to adopt the International Existing Building Code, which is a building rehabilitation code. It also proposed to authorize the State Planning Office to obtain public and private funds to conduct a project that would harmonize the codes and standards currently in law with the Maine Model Building Code and the International Existing Building Code within 3 years. The amendment proposed to require the State Planning

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Office to report back on the status of the project to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

Public Law 2005, chapter 200 requires towns, cities or municipalities that adopt a building rehabilitation code to adopt the International Existing Building Code, which is a building rehabilitation code. The law also provides that the State Planning Office is authorized to obtain public and private funds to conduct a project that would harmonize the codes and standards currently in law with the Maine Model Building Code and the International Existing Building Code within 3 years. The law requires the State Planning Office is required to report back on the status of the project to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

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

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

LD 552 proposed to allow dental hygienists to prescribe fluoride and chlorhexidine or their derivatives without a dentist present.

Committee Amendment "A" (H-256) proposed to replace the bill with a resolve directing the Department of Professional and Financial Regulation, Board of Dental Examiners to establish by rule protocols that would describe the conditions under which dental hygienists with public health supervision status would be authorized to administer fluoride or other antimicrobials.

Enacted law summary

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

LD 566 **An Act To Amend the Definition of "Chiropractic Acupuncture"** **DIED ON
ADJOURNMENT**

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

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LD 566 proposed to amend the definition of "chiropractic acupuncture" to include the use of microelectric current, magnetic stimulation, moxibustion and other forms of heat therapy, therapeutic uses of sound and light, cupping techniques and acupressure techniques.

LD 581 An Act Regarding Identity Theft Deterrence

PUBLIC 243

<u>Sponsor(s)</u> BROMLEY KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-187
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LD 581 proposed to prohibit a consumer reporting agency from furnishing a consumer report or disclosing information about a consumer unless the consumer authorized the disclosure and provided a copy of a police report prepared by a law enforcement agency in investigation of identity theft involving the consumer to the consumer reporting agency.

Committee Amendment "A" (S-187) proposed to replace the bill. The amendment proposed to allow consumers to implement security freezes on their consumer reports and described the requirements for requesting and removing security freezes temporarily and permanently. This amendment proposed to establish strict timelines for compliance by consumer reporting agencies and would permit consumer reporting agencies to assess a fee to consumers who are not victims of identity theft for each freeze-related action taken with respect to a consumer report. In addition, it proposed to identify exceptions to the security freeze requirements based on federal law and state enforcement requirements.

Enacted law summary

Public Law 2005, chapter 243 allows consumers to implement a security freeze on their consumer reports and describes the requirements for requesting and removing a security freeze temporarily or permanently. This law establishes strict timelines for compliance by consumer reporting agencies and permits consumer reporting agencies to assess a fee to consumers who are not victims of identity theft for each freeze-related action taken with respect to a consumer report. In addition, the law identifies exceptions to the security freeze requirements based on federal law and state enforcement requirements.

LD 585 An Act To Reauthorize the Petroleum Market Share Act

**PUBLIC 155
EMERGENCY**

<u>Sponsor(s)</u> BROMLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-128
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LD 585 proposed to remove provisions of the Petroleum Market Share Act that otherwise would repeal certain portions of that Act. It also proposed to repeal laws that establish and govern the Petroleum Advisory Committee.

Committee Amendment "A" (S-128) proposed to reduce the frequency of refiner reports from quarterly to annually and clarify that the required reports may be made by affiliates. The amendment also proposed to provide that, although the Attorney General is required to consult with industry stakeholders concerning any future

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proposed legislative changes to the Act, the final decision regarding the substance of any legislative recommendation would be entirely within the Attorney General's discretion.

Enacted law summary

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

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

LD 601 **An Act To License Real Estate Rental Agents** **ONTP**

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

LD 601 proposed to require an individual or business engaged in the rental of residences in buildings consisting of one to 4 dwelling units to be licensed by the Real Estate Commission within the Department of Professional and Financial Regulation. It also proposed to require the Real Estate Commission to establish routine technical rules for license qualifications.

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

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

LD 633 proposed to amend the laws that provide an exemption for certain payroll processors from the requirement of surety bonding to provide that a payroll processor that does not have custody of a client's funds would not be required to obtain a surety bond. It proposed to lower the initial application and annual renewal application fee to \$100 for payroll processors with fewer than 100 employers as payroll processing clients.

Committee Amendment "A" (H-417) proposed to replace the bill and change the title. It proposed to alter the sliding scale for initial application and annual renewal application fees for payroll processors and lower the minimum surety bond requirement from \$100,000 to \$50,000. It also proposed to provide an exemption from the requirement of surety bonding if the payroll processor arranges for the transfer of funds from an employer's account directly to taxing authorities for payment of the employer's taxes, as long as the payroll processor is not authorized to arrange for the transfer of the client's funds for any other use or to any other accounts.

Enacted law summary

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

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

LD 641 **An Act To Create a Limited License for Solar Electric Generation System Installers** **ONTP**

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

LD 641 proposed to establish a limited electrician's license that would allow a person to install solar electric generation systems. The bill proposed to authorize the Electricians' Examining Board to determine certification requirements that would demonstrate adequate knowledge in solar electric generation installation.

LD 647 **An Act To Provide Incentives to Businesses That Locate to Existing Buildings** **ONTP**

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

LD 647, a concept draft pursuant to Joint Rule 208, proposed to provide incentives to businesses that move into existing vacant buildings instead of constructing new buildings. Incentives would include, but not be limited to:

1. Expedited approval of zoning or other local ordinance changes necessary for the business to occupy the building; and
2. Tax incentives, such as a reduced property tax rate.

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE SMITH N	OTP-AM	S-258

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LD 653 proposed to require that franchisors of power equipment, machinery and appliances reimburse franchisees at the franchisees' retail rates for parts or labor supplied in satisfaction of the franchisors' warranties. The bill also proposed to require that franchisors approve or disapprove franchisees' reimbursement claims within 30 days of submission and pay claims within 30 days of approval. Finally, the bill proposed to enable franchisees who bring successful legal actions for reimbursement to receive costs and legal fees and prohibit agreements that would impair their ability to perform warranty work in a professional manner.

Committee Amendment "A" (S-258) proposed to replace the bill and provide for specific warranty obligations for farm machinery dealerships. It proposed to establish minimum compensation rates for labor and parts that a supplier must compensate a dealer for when warranty work is performed.

Enacted law summary

Public Law 2005, chapter 317 provides for specific warranty obligations for farm machinery dealerships. The law establishes minimum compensation rates for labor and parts that a supplier must compensate a dealer for when warranty work is performed.

LD 661 An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures PUBLIC 198

<u>Sponsor(s)</u> SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-294
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LD 661 proposed to allow a dental hygienist to perform a temporary filling procedure without a dentist present.

Committee Amendment "A" (H-294) proposed to specify that dental hygienists with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners.

Enacted law summary

Public Law 2005, chapter 198 establishes that dental hygienists with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners.

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

<u>Sponsor(s)</u> SMITH N BROMLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 673 proposed to add a member representing agricultural producers to the Maine Tourism Commission.

Enacted law summary

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Public Law 2005, chapter 33 adds a member representing a statewide organization of agricultural producers to the Maine Tourism Commission.

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

<u>Sponsor(s)</u> GAGNON THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-123
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LD 680 proposed to eliminate the University of Maine System Scholarship Fund currently held by the Finance Authority of Maine and create an identical fund to be administered by the Board of Trustees of the University of Maine System. The bill also proposed to require the Finance Authority of Maine to transfer the funds from the old fund to the new fund by July 1, 2005.

Committee Amendment "A" (S-123) proposed to clarify that fees credited from the University of Maine System registration plate may not be distributed as scholarships to students attending the University of Maine. It also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2005, chapter 109 eliminates the University of Maine System Scholarship Fund currently held by the Finance Authority of Maine and creates an identical fund to be administered by the Board of Trustees of the University of Maine System. The law requires the Finance Authority of Maine to transfer the funds from the old fund to the new fund by July 1, 2005. The law clarifies that fees credited from the University of Maine System registration plate may not be distributed as scholarships to students attending the University of Maine.

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

LD 684 **An Act To Expand the Availability of Pine Tree Development Zone Benefits** **ONTP**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 684 proposed to designate the entire State a "Pine Tree Development Zone," enabling qualifying businesses anywhere in the State to access Pine Tree Development Zone benefits.

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LD 686

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

PUBLIC 274

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

LD 686 proposed to change the title of the Maine Revised Statutes, Title 9-A, article 10 from "Maine Consumer Credit Code - Credit Services Organizations" to "Maine Consumer Credit Code - Loan Brokers." It proposed to enhance regulation of loan brokers. It proposed to change references to "credit services organization" to "loan broker," a descriptive term better understood by the industry and consumers. It also proposed to change the state application process from a registration process to a licensure process and from an annual to a biennial application. Because the current \$10,000 bond has proven inadequate to cover losses caused by loan brokers in several cases in 2004, the bill proposed to increase the surety bond to \$25,000. The bill proposed to require that license numbers appear in print advertising placed by a loan broker. The bill also proposed to permit regulators to establish a system of continuing education for loan brokers.

Committee Amendment "A" (S-198) was the majority report of the committee. It proposed to provide that the administrator may adopt rules requiring supervised lenders to satisfy initial and continuing educational requirements. The reasonable costs of meeting these educational requirements would be assessed to applicants.

Enacted law summary

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

LD 689

An Act To Exempt from License Fees Small Businesses That Collect Returnable Bottles

ONTP

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

LD 689 proposed to exempt from the license fee small retailers that accept bottles for redemption. Current law requires an establishment that accepts bottles for redemption to be licensed by the Department of Agriculture, Food and Rural Resources. Under rules adopted by the department, the annual license fee for redemption centers is \$50.

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LD 697

An Act To Clarify Reporting Responsibilities to Licensing Boards

PUBLIC 221

<u>Sponsor(s)</u> HOBBINS SMITH N	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-130
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LD 697 proposed to specify the information to be reported by providers of health care to licensing boards regarding health-care-related discipline of licensed professionals by the providers. It proposed to clarify that all health care entities are covered by this reporting requirement and it proposed to confirm the ability of the practitioner's board of licensure to share otherwise confidential investigative information with health care providers who credential licensees.

Committee Amendment "A" (S-130) proposed to broaden the scope of information that must be provided by a health care provider or health care entity to the relevant board or authority following an adverse action against a practitioner. It also proposed to increase the fine for a civil violation of the provision of law from \$1,000 to \$5,000.

Enacted law summary

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

LD 737

An Act To Ensure the Success of Pine Tree Development Zones

ONTP

<u>Sponsor(s)</u> SAVIELLO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 737 proposed to extend the Pine Tree Development Zone to include as a qualified business an existing business that makes a significant capital investment, such as modernizing a manufacturing process, that would provide job retention at the facility. It proposed to require those businesses to meet criteria that parallel the criteria for new job creation. The bill also proposed to provide that any effect that a qualified business has on waters of the State would be considered a qualified business activity.

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LD 750

An Act To Clarify the Authority of Podiatrists To Use Assistants

**PUBLIC 77
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY O'BRIEN	OTP-AM	H-115 SMITH N

LD 750 proposed to amend the laws governing podiatric practice by clarifying that podiatrists are authorized to use podiatric assistants in all aspects of podiatric medicine if each podiatric assistant is in training or has completed training and has received a competency evaluation approved by the Board of Licensure of Podiatric Medicine. The bill also proposed to clarify that when a podiatrist delegates activities to a podiatric assistant, the podiatrist is liable for the medical activities of that assistant.

House Amendment "A" (H-115) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2005, chapter 77 amends the laws governing podiatric practice by clarifying that podiatrists are authorized to use podiatric assistants in all aspects of podiatric medicine if each podiatric assistant is in training or has completed training and has received a competency evaluation approved by the Board of Licensure of Podiatric Medicine. The law provides that a podiatrist who delegates activities to a podiatric assistant creates an agency relationship and the podiatrist is liable for the medical activities of that assistant.

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

LD 776

An Act Requiring the Disclosure of Odometer Changes

ONTP

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

LD 776 proposed to require used car dealers to disclose to consumers when an odometer has been replaced, even if the odometer was replaced to change the measuring of distance from kilometers to miles.

LD 788

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

RESOLVE 24

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

LD 788 proposed to establish a regulatory mechanism for deferred deposit loans. The bill proposed to designate the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation as the regulator of lenders making deferred deposit loans. It proposed to set forth necessary licensing, fees and bond requirements

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for lenders. The bill also proposed to establish requirements for lender reporting and examination of these lenders.

The bill also proposed to specifically provide a number of consumer protections, including disclosure requirements for written loan agreements, maximum loan amounts, limitations on fees charged to consumers, maximum and minimum terms for loan agreements and requirements for collection practices.

Committee Amendment "A" (H-241) proposed to replace the bill with a resolve. It proposed to direct the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation in consultation with the Office of the Attorney General, the banking and lending industry and consumers, to study the current market for payday advance services and sub-prime lending practices in the State. It proposed to direct the office to report its findings, along with any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

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

LD 825

Resolve, To Improve Statewide Business Assistance Services

RESOLVE 76

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

LD 825 proposed to require the Department of Economic and Community Development to apply for exclusive use of the 3-1-1 phone number to use that phone number as a means of providing access to the Business Answers program operated by the department. This resolve also proposed to require the department to expand the hours of operation of the Business Answers phone line from 7 a.m. to 9 p.m.

Committee Amendment "A" (H-475) proposed to replace the bill. This amendment proposed to direct the Department of Economic and Community Development to develop a proposal for promoting and marketing the Business Answers program, with a special focus on promoting its publicly accessible website and toll-free telephone service to the public to increase the public's awareness of the valuable services that are being offered by this program. This amendment proposed to require the department to report its findings, along with a written proposal identifying ways to improve the promotion and marketing of the Business Answers program, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

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

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written proposal identifying ways to improve the promotion and marketing of the Business Answers program, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

LD 832 **An Act To Amend the Laws Regulating the Practice of Optometry** **ONTP**

<u>Sponsor(s)</u> BLANCHETTE		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 832 proposed to do the following:

1. Eliminate the prohibition on optometric practice on premises where nonoptometric materials are dispensed;
2. Eliminate the existing prohibition on mercantile employment of optometrists by clarifying related provisions;
3. Eliminate the prohibition on association by any optometrist with a person, firm or corporation who is not a registered optometrist;
4. Permit optometrists to practice under a trade name like other medical professionals; and
5. Authorize contracts for the practice of optometry in or on the premises of an optical shop or commercial or mercantile establishment and permits the joint marketing of the optometrist and mercantile or retail establishment.

LD 837 **Resolve, Regarding a New Certification for Health Care Attendants** **ONTP**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 837 proposed to direct the Department of Health and Human Services and the State Board of Nursing to adopt routine technical rules for a new classification of health care workers named health care attendants.

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

<u>Sponsor(s)</u> COWGER MOODY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-160
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LD 905 proposed to amend several sections of the law dealing with innkeeping and lodging. The bill proposed to amend the provision requiring all guests to register. The bill also proposed to require that a guest who is overcharged must be reimbursed the amount charged minus the posted rate for the room. The bill also proposed to amend the law to make optional the requirement that an innkeeper or campground owner accept a credit card

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from a minor to cover guest expenses. Lastly, the bill proposed to permit the owner of a lodging house or hotel that has 10 or fewer guest rooms to decline to admit children as occupants.

Committee Amendment "A" (S-160) proposed to replace the bill. It proposed to remove the treble damages provision for overcharges by keepers of hotels, inns and lodging houses and instead proposed to require that a guest who is overcharged be reimbursed the amount charged minus the posted rate for the room. It also proposed to require that a person conducting any hotel or lodging house maintain a register of all persons renting, but not occupying, the room. This amendment also proposed to provide that innkeepers or campground owners have the discretion to deny accommodations to minors.

Enacted law summary

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

LD 906

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

PUBLIC 45

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

LD 906 proposed to provide the Board of Dental Examiners with the authority to waive a personal interview and conduct a telephone interview for applicants seeking licensure by endorsement in cases where the applicant is serving on military deployment overseas. Current law allows dentists to administer general anesthetics. The bill proposed to allow dentists to administer general anesthetics and conscious sedation only with a permit issued by the board. The bill proposed to clarify language concerning the payment of license renewal fees if an existing licensee applies late or if a new applicant applies for licensure in the 2nd year of the biennial license period. Finally, the bill proposed to eliminate outdated language concerning temporary dentist permits, which the board ceased to issue after January 1, 2000.

Enacted law summary

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

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LD 956

An Act To Prevent Identity Theft

ONTP

<u>Sponsor(s)</u> FARRINGTON BARTLETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 956 proposed to allow a consumer to restrict the release of any information regarding that consumer by a consumer reporting agency without the express authorization of the consumer. The bill proposed to provide that a consumer reporting agency may charge a reasonable fee for this service unless the consumer has been a victim of identity theft.

LD 957

An Act To Limit Faxes from Telemarketers

PUBLIC 197

<u>Sponsor(s)</u> CRESSEY WOODCOCK	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 957 proposed to amend the telephone solicitation laws by expanding the definition of automated telephone calling device to include a facsimile machine. Current law prohibits a person from using an automated telephone calling device to make solicitation calls to telephone numbers in the State except on weekdays between the hours of 9 a.m. and 5 p.m.

Enacted law summary

Public Law 2005, chapter 197 amends the telephone solicitation laws by expanding the definition of automated telephone calling device to include a facsimile machine. The law prohibits a person from using an automated telephone calling device to make solicitation calls to telephone numbers in the State except on weekdays between the hours of 9 a.m. and 5 p.m.

LD 964

Resolve, To Expand Maine's Inland Fishing Economy by Creating Pine Tree Development Zones

ONTP

<u>Sponsor(s)</u> MOODY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 964 proposed to direct the Department of Economic and Community Development to extend the Pine Tree Development Zone program to offer benefits to people who invest in fisheries, fish habitat, access and infrastructure on the Androscoggin River from the New Hampshire border to Bethel, on Moosehead Lake and on a body of water in Washington County or Hancock County to be determined by the department. The bill proposed to require the Department of Inland Fisheries and Wildlife to designate the projects on each program body of water that would qualify for program benefits, approve project applications to participate in the program and create a process for designating additional zones on other bodies of water. The bill proposed to require the Department of Economic and Community Development and the Department of Inland Fisheries and Wildlife to

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report no later than December 7, 2005 on the progress of the extension of the program and submit any proposed legislation.

LD 993 **Resolve, Directing the Plumbers' Examining Board to Update the State Plumbing Code to the Current Version of the Uniform Plumbing Code** **ONTP**

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

LD 993 proposed to direct the Department of Professional and Financial Regulation, Plumbers' Examining Board to update the state plumbing code to the current version of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.

LD 994 **An Act To Increase Access to Dental Care by Accepting All Regional Board Examinations for Initial Licensure of Dentists** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P CLARK	ONTP MAJ OTP-AM	

LD 994 proposed to require the Board of Dental Examiners to accept as part of its requirements for licensure a passing grade from any regional testing agency as an alternative to an examination by a northeast regional testing agency.

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

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

LD 1010 proposed to permit social workers licensed as of the effective date of Public Law 2003, chapter 429, which extended a 96-hour consultation requirement to all social workers, to fulfill this 96-hour standard by counting consultation hours that were obtained prior to September 1, 2004 from a licensed social worker in a group setting regardless of the group size. As of August 2, 2004, the Board of Social Worker Licensure required that the consultation must be provided either individually or in a group of not more than 8 members. The board's prior practices had recognized consultation in groups of 20 members or more.

Committee Amendment "A" (S-161) proposed to replace the bill. It proposed to provide that social workers employed in long-term care settings and licensed as of September 13, 2003, the effective date of Public Law 2003, chapter 429, which extended a 96-hour consultation requirement to all social workers, may fulfill the

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consultation requirements by counting consultation hours that were obtained prior to August 3, 2004. Consultation hours obtained prior to August 3, 2004 that would satisfy the standards set by the Department of Health and Human Services would be recognized and accepted by the State Board of Social Worker Licensure.

Enacted law summary

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

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

LD 1014 **Resolve, Directing the Department of Economic and Community Development To Develop a Clearinghouse of Maine Businesses That Contract Out Work for Completion Off-site within the State** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN SNOWE-MELLO	ONTP	

LD 1014 proposed to direct the Department of Economic and Community Development to identify those businesses that contract out work to individuals within the State for completion of the work off-site and proposed to require the department to make that information available on a publicly accessible site on the Internet.

LD 1015 **Resolve, To Increase Small Business Access to State Contracts** **RESOLVE 122**

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

LD 1015 proposed to direct all state agencies with assistance from the Department of Economic and Community Development to do more outreach to the small business community and to assist small businesses in making contacts with the Market Development Center.

Committee Amendment "A" (H-400) proposed to add a fiscal note to the bill.

Enacted law summary

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

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LD 1016 **An Act Regarding Dental Hygienists and Public Health Supervision Status** **ONTP**

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

LD 1016 proposed to provide that a dental hygienist does not need permission from the Board of Dental Examiners to perform work when under public health supervision status. The bill proposed to require dental hygienists to give notice to the board prior to performing work when under public health supervision status.

LD 1023 **An Act Requiring Stores of 500 Square Feet To Make Existing Bathroom Facilities Available for Public Use** **ONTP**

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

LD 1023 proposed to require retail stores of 500 square feet to make their existing toilet facilities available for public use.

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

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

LD 1056 proposed to require the Plumbers' Examining Board to adopt the International Plumbing Code as the new plumbing code for the State.

Committee Amendment "B" (S-132) was the minority report of the committee. This resolve proposed to provide that the rules provisionally adopted by the Plumbers' Examining Board updating the plumbing code to the current version of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials are considered finally adopted.

Enacted law summary

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

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LD 1078 **Resolve, Directing the Department of Economic and Community Development To Develop Guidelines To Create Urban Enterprise Zones** **ONTP**

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

LD 1078 proposed to direct the Department of Economic and Community Development to develop guidelines and criteria for the creation of urban enterprise zones and to report back to the Joint Standing Committee on Business, Research and Economic Development by January 15, 2006.

LD 1083 **Resolve, To Direct the State Board of Funeral Service To Consider the Need To Amend Its Rules with Regard to Licensed Funeral Establishments** **RESOLVE 106**

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

LD 1083 proposed to amend the definition of "funeral establishment" to make the definition more specific and proposed to direct the State Board of Funeral Service to adopt rules for the creation of satellite or branch facilities of funeral establishments.

Committee Amendment "A" (H-525) was the majority report of the committee. The amendment proposed to replace the bill with a resolve. It proposed to direct the Department of Professional and Financial Regulation, State Board of Funeral Service to review the regulation of and the nature of public disclosures required to be made by licensed funeral establishments and branches and whether the current rules adequately address these public disclosure requirements.

Enacted law summary

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

LD 1135 **An Act To Safeguard Federalism in Trade** **CARRIED OVER**

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

Joint Standing Committee on Business, Research and Economic Development

LD 1135 proposed to require that two legislative points of contact be appointed at the beginning of each legislative session to serve as the State’s official liaison for all federal trade agreement matters. The bill proposed to require legislative approval before the State signs on to any trade agreement and would require the Attorney General to notify the United States Trade Representative of the provisions of this bill along with the leadership of the Legislature and the State's congressional delegation.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1139 **An Act To Identify the Benefits and Costs of Adjustments to Building Codes** **ONTP**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1139 proposed to require the Commissioner of Public Safety to report to the Legislature on the costs and benefits of any proposed rule or legislation that would affect or enact a building code administered by the State Fire Marshal.

LD 1167 **An Act To Ensure the Health and Safety of All Maine Citizens by Licensing Drug Wholesalers** **ONTP**

<u>Sponsor(s)</u> MARRACHE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1167 proposed to create a licensing structure for wholesale distributors of prescription drugs to be regulated by the Maine Board of Pharmacy. Provisions of this licensing structure would include:

1. Definitions;
2. Licensing requirements for wholesale distributors of prescription drugs;
3. Restrictions on transactions for wholesale distributors of prescription drugs;
4. Requirements for pedigrees for prescription drugs;
5. Enforcement and authority for the Maine Board of Pharmacy to issue an order to cease distribution of a prescription drug; and
6. Prohibited acts and penalties for violations of the provisions of this bill.

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LD 1190 **Resolve, To Study the Establishment of a Controlled Substances Act for the State of Maine** **RESOLVE 102**

<u>Sponsor(s)</u> PERRY A	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-521
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LD 1190 proposed to establish the Controlled Substances Board to assist in the regulation of controlled substances. The board would consist of one representative each from the Department of Professional and Financial Regulation, Board of Licensure in Medicine, Board of Pharmacy and Board of Osteopathic Licensure; the advanced practice registered nurse member of the State Board of Nursing; and one representative each from the Department of Public Safety, Maine Drug Enforcement Agency; Department of Health and Human Services, Office of Substance Abuse; and Office of the Attorney General. The board would assist in the regulation of controlled substances through adoption of routine technical rules for the prescribing, labeling and dispensing of controlled substances listed on federal Schedules II through V. This bill proposed to require that the rules be more restrictive than federal requirements regarding benzodiazepines and must place benzodiazepines on a state schedule II.

Committee Amendment "A" (H-521) proposed to replace the bill with a resolve that directs the Director of the Office of Substance Abuse within the Department Health and Human Services to determine, in consultation with the Department of Professional and Financial Regulation, the Office of the Attorney General and interested parties, the feasibility of establishing a controlled substances act. It proposed to direct the director to submit a report, along with any proposed legislation, to the Joint Standing Committee on Health and Human Services by January 30, 2006. The joint standing committee may report out legislation to the Second Regular Session of the 122nd Legislature to establish a controlled substances act.

Enacted law summary

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

LD 1205 **An Act To Amend the Laws Governing the Board of Dental Examiners** **ONTP**

<u>Sponsor(s)</u> DAVIS P CLARK	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1205 proposed to eliminate the affiliated status of the Board of Dental Examiners and establish the Board as part of the Department of Professional and Financial Regulation, Office of Licensing and Registration. The bill also proposed to eliminate one dentist member position from the Board of Dental Examiners and adds an additional public member position to the Board of Dental Examiners.

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LD 1215 **Resolve, To Benefit the Creative Economy** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO DAVIS P	ONTP	

LD 1215 proposed to direct the Commissioner of Economic and Community Development and the Maine Creative Economy Council to study ways to further the economic development of artists, craftspeople, musicians and people conducting other creative activities.

LD 1225 **An Act To Amend and Update Laws Regulating the Practice of Nursing** **PUBLIC 163**

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

LD 1225 proposed to clarify sections of law pertaining to the Maine State Board of Nursing by eliminating several outdated sections. The bill proposed to correct the name of the national licensing examination for nurses and update the exception to licensure for students.

Enacted law summary

Public Law 2005, chapter 163 clarifies sections of law pertaining to the Maine State Board of Nursing by eliminating several outdated sections. It also corrects the name of the national licensing examination for nurses and updates the exception to licensure for students.

LD 1261 **An Act To Allow Physicians Licensed in Other States but Trained outside the United States To Practice Medicine in Maine** **PUBLIC 363**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER CROSBY	OTP-AM	S-239

LD 1261 proposed to allow the Board of Licensure in Medicine, under exceptional circumstances, to waive the postgraduate training requirements for licensure as a physician in this State. The bill proposed to allow a physician to be considered for a waiver if the physician was a graduate of a foreign medical school, not including a school in Canada or Great Britain, was licensed in another state and had at least 2 years working experience in the area of expertise. If the physician met these requirements, the board could consider the physician for a waiver using criteria such as the completion of a fellowship, academic employment in a medical school in the United States and the number of years in practice.

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Committee Amendment "A" (S-239) proposed to increase the requirements for consideration of a waiver of the postgraduate training requirements for licensure as a physician in this State from a minimum of 2 years of working experience to at least 3 years of clinical experience in the physician's area of expertise. It also proposed to provide that once the Board of Licensure in Medicine has determined that the physician has met the basic requirements for consideration of a waiver, it shall consider physicians that have completed a 3-year clinical fellowship in the area of expertise. The amendment placed the burden of proof on the applicant to prove the quality and content of the fellowship. It also proposed to require the board to consider publication in a peer-reviewed clinical medical journal that is recognized by the board and the number of years in clinical practice. The amendment proposed to require that costs associated with the board's determination of licensing eligibility must be borne by the applicant.

Enacted law summary

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

LD 1263

**An Act To Contain Costs, Reduce Paperwork and Streamline the
Regulatory Process for Maine's Small Businesses**

PUBLIC 458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	H-678 SMITH N S-348

LD 1263 proposed to establish a Small Business Ombudsman position in the Governor's office that would utilize existing resources to advocate for the small business community and provide technical assistance to the Maine Regulatory Fairness Board. The bill also proposed to add 2 members to the board, one appointed by the President of the Senate and one appointed by the Speaker of the House. The bill proposed to change the frequency of the board's reports to the Governor and the Legislature from 2 times a year to 6 times a year and would require the Small Business Ombudsman to report certain information to the Governor and the joint standing committees of the Legislature having jurisdiction over business and economic development matters and state and local government matters. The bill also proposed to require the board to meet 6 times a year as opposed to 2 times.

Committee Amendment "A" (S-348) proposed to delete the provisions in the bill that would establish the Small Business Ombudsman position within the Governor's office. It also proposed to delete the provision that would have increased the Maine Regulatory Fairness Board's reporting requirements to the Governor and the Legislature from annually to 6 times a year. It would decrease the board's meeting requirements from 6 times a year to at least 3 times a year. It also provides that the Governor's appointees to the board must represent at least 2 members from businesses with fewer than 50 employees and at least 2 members from businesses with less than 20 employees. It also proposed to broaden the title of the Deputy Commissioner of Economic and Community Development to include Chief Executive of Small Business and Entrepreneurship. It also proposed to change the

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title of the Office of Business Development to the Office of Business Development and Entrepreneurship. It would expand the requirement that the Office of Business Development and Entrepreneurship focus on not only attracting, but also supporting, particular types of businesses that have potential for Maine and that are considered to be compatible with Maine's environment and interests. It also proposed to provide that when the office conducts an analysis of the various industrial sectors of the economy, the office would analyze the types of businesses to be targeted for support as well as attraction.

House Amendment "A" to Committee Amendment "A" (H-678) proposed to direct the Commissioner of Economic and Community Development to create within existing budgeted resources the Office of Small Business and Entrepreneurship and outline the duties of the Director of the Office of Small Business and Entrepreneurship. The amendment also proposed to strike language that would change the name of the Office of Business Development to the Office of Business Development and Entrepreneurship. It also proposed to strike language in the amendment that broadens the title of the Deputy Commissioner of Economic and Community Development. This amendment also proposed to reestablish the Maine Regulatory Fairness Board.

Enacted law summary

Public Law 2005, chapter 458 directs the Commissioner of Economic and Community Development to create within existing budgeted resources the Office of Small Business and Entrepreneurship and requires the appointment of a director to operate the Office of Small Business and Entrepreneurship. The director of the office will be responsible for advocating for policies and programs that will stimulate investment and growth in small business and entrepreneurship in Maine. The director will be required to assist in the oversight of the State's investments in small business and entrepreneurship initiatives, chair the Maine Entrepreneurship Working Group, prepare a biennial report to the Legislature on the status of small business and entrepreneurship in Maine and oversee the Business Answers program. This law also reestablishes the Maine Regulatory Fairness Board.

LD 1267

An Act To Extend the Kim Wallace Adaptive Equipment Loan Program

**PUBLIC 191
EMERGENCY**

Sponsor(s)
MITCHELL
RICHARDSON J

Committee Report
OTP

Amendments Adopted

LD 1267 proposed to amend the Kim Wallace Adaptive Equipment Loan Program in the following ways:

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

Enacted law summary

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Public Law 2005, chapter 191 amends the Kim Wallace Adaptive Equipment Loan Program in the following ways:

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

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

LD 1273

An Act To Improve the Economic Development of the Indian Tribes

PUBLIC 451

<u>Sponsor(s)</u> SOCKALEXIS SNOWE-MELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-565
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LD 1273 proposed to expand the Penobscot Valley Pine Tree Development Zone to include all land held or acquired by the Penobscot Nation. Current law designates the Penobscot Valley region, including up to 500 acres of land reserved for the Penobscot Nation, as a Pine Tree Development Zone.

Committee Amendment "A" (H-565) replaced the bill and proposed to remove the current tribal property from the Pine Tree Development Zone 5,000-acre limit and would allow the tribes to designate any part of their land, up to the statutory 500 acres, or 100 acres for the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians, as Pine Tree Development Zones.

Enacted law summary

Public Law 2005, chapter 451 removes the current tribal property from the Pine Tree Development Zone 5,000-acre limit and allows the tribes to designate any part of their land, up to the statutory 500 acres, or 100 acres for the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians, as Pine Tree Development Zones.

LD 1277

An Act Regarding Speech-language Pathology Aides

**P & S 12
EMERGENCY**

<u>Sponsor(s)</u> SHERMAN MILLS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-272
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LD 1277 proposed to provide speech-language pathology aides additional time to meet the requirements for registration as speech-language pathology assistants.

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Committee Amendment "A" (H-272) proposed to specify the exact date, instead of a range of years, by which speech-language pathology aides have to meet the requirements for registration as speech-language pathology assistants.

Enacted law summary

Private and Special Law 2005, chapter 12 provides speech-language pathology aides additional time to meet the requirements for registration as speech-language pathology assistants.

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

LD 1283 **An Act To Allow Applicants for Limited Radiographer Licenses
To Take Qualifying Views** **PUBLIC 166
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM PINKHAM	OTP-AM	H-319

LD 1283 proposed to permit the Radiologic Technology Board of Examiners to allow applicants for a limited radiographer license to take their qualifying views.

Committee Amendment "A" (H-319) proposed to replace the bill. The amendment proposed to provide that individuals concurrently obtaining the education and clinical training required by the Radiologic Technology Board of Examiners by rule may take qualifying views for the purpose of obtaining a limited radiographer license. This amendment proposed to add an emergency preamble and emergency clause to the bill.

Enacted law summary

Public Law 2005, chapter 166 provides that individuals concurrently obtaining the education and clinical training required by the Radiologic Technology Board of Examiners by rule may take qualifying views for the purpose of obtaining a limited radiographer license.

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

LD 1299 **Resolve, To Establish the Commission to Study the Efficiency of
State Business Assistance Services** **ONTP**

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

LD 1299 proposed to create the Commission to Study the Efficiency of State Business Assistance Services and direct the commission to submit a report to the Joint Standing Committee on Business, Research and Economic Development.

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LD 1306

An Act To Authorize the Department of Professional and Financial Regulation To Develop a Model for Registration of Home Building and Improvement Contractors

P & S 18

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ	H-257
COWGER	ONTP MIN	

LD 1306 proposed to create the Maine Home Contractor Licensing Act. The bill proposed to do the following:

1. Establish 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;
2. Provide certain specific exemptions from licensure; require qualifications for general and specialty licenses;
3. Provide requirements for criminal and financial disclosures;
4. Establish the Maine Home Contractor Licensing Board;
5. Create fees for licensing;
6. Adopt a model building code; and
7. Establish a mechanism for phasing in a registration program, followed by a licensing program, upon adoption of the model building code by 56 of a list of 83 specified municipalities.

Committee Amendment "A" (H-257) was the majority report of the committee. It proposed to authorize the Department of Professional and Financial Regulation to work in consultation with the Attorney General, home building and improvement industry representatives and appropriate stakeholders to develop a model registration process for home building and improvement contractors. The amendment proposed to require the department to report its findings concerning the registry, including any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

Private and Special Law 2005, chapter 18 authorizes the Department of Professional and Financial Regulation to work in consultation with the Attorney General, home building and improvement industry representatives and appropriate stakeholders to develop a model registration process for home building and improvement contractors. The law requires the department to report its findings concerning the registry, including any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

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LD 1339

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

PUBLIC 367

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

LD 1339 proposed to amend the laws governing the powers and duties of the Washington County Development Authority. It proposed to expand the powers of the authority to include buying, selling, developing, redeveloping and leasing property for the purpose of further developing the economy of Washington County. The bill also proposed to enable the membership of the board of trustees to expand to 13 members. The bill proposed to expand the definition of "primary impact community" to include all of the municipalities and unorganized territories in the county.

Committee Amendment "A" (S-296) proposed to change the composition of the board of trustees of the Washington County Development Authority to include 13 members. The amendment proposed that nine of the members be selected from candidates who are residents of Washington County and are nominated by private, nonprofit, countywide, federally recognized Washington County-based economic development organizations other than the authority. It proposed to provide that primary impact communities also may make nominations. It proposed to require that the Governor ensure that all regions of the county, as defined by the 3 county commissioner districts, are equally represented on the board of trustees. A municipality could not have more than 2 trustees sitting on the board of trustees. It also proposed to provide for staggered terms for the newly appointed members of the board of trustees and describe the manner in which trustees may be removed from the board. The amendment provides that trustees may not serve more than 2 consecutive 4-year terms on the board.

House Amendment "A" (H-623) proposed to make a technical correction to correct subject and verb agreement.

Enacted law summary

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

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

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LD 1340

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

PUBLIC 267

<u>Sponsor(s)</u> EDMONDS PERCY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-216
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LD 1340 proposed to make the following changes to the laws governing licensure for interpreters for the deaf and hard-of-hearing:

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

Committee Amendment "A" (S-216) proposed to increase the fee cap for initial and renewal license fees, except for applicants who are deaf, from \$300 to \$325.

Enacted law summary

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

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

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6. It repeals transitional language relating to qualifications for limited licenses.

LD 1352 An Act To Establish the Office of the Small Business Ombudsman ONTP

<u>Sponsor(s)</u> RECTOR DOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1352, a concept draft pursuant to Joint Rule 208, proposed to establish the Office of the Small Business Ombudsman in the Department of Economic and Community Development. The responsibilities of the ombudsman would be to:

1. Assist businesses in obtaining permits and licenses and meeting other state requirements for the business;
2. Analyze the permitting process and recommend changes to streamline that process;
3. Review proposed legislation to determine the impact of that legislation on small business in the State;
4. Report all recommendations regarding changes to the permitting process and determinations regarding the impact of proposed legislation to the joint standing committee of the Legislature having jurisdiction over the subject matter of the recommended changes or legislation; and
5. Report annually to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

LD 1358 Resolve, To Establish the Commission To Study Incentives That Foster Small Business Practices That Support the Economic Growth and Well-being of Maine People and Communities CARRIED OVER

<u>Sponsor(s)</u> WEBSTER DOW		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1358 proposed to establish the Commission to Study Incentives that Foster Small Business Practices that Support the Economic Growth and Well-being of Maine People and Communities.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

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LD 1383 An Act Regarding the Licensing of Foresters

ONTP

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

LD 1383 proposed to require the Board of Licensure of Foresters to administer the forester examination at least once a month. It also proposed to require the board to issue a forestry license to an applicant who is licensed in good standing in New Hampshire or Vermont.

LD 1385 An Act To Amend Dental Hygienist Licensing Requirements

PUBLIC 289

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

LD 1385 proposed to decrease from 5 to 3 years the active clinical practice experience that a dental hygienist must have in order to be considered for licensure by endorsement. This would match the endorsement for dentists. It proposed to require the hygienist to be interviewed by the Board of Dental Examiners, Subcommittee on Dental Hygienist Submissions.

Committee Amendment "A" (H-418) proposed to correct an additional cross-reference required by the bill.

Enacted law summary

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

LD 1403 An Act To Create an Alternative Method of Dispute Resolution in Homeowner Claims of Defective Workmanship or Materials for Manufactured Housing

ONTP

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

LD 1403 proposed to require a homeowner to provide written notice of each alleged construction defect to the manufacturer or dealer of manufactured housing 90 days before a suit is filed and to provide evidence supporting the claim. The bill would require a claimant to provide the manufacturer or dealer of the manufactured housing reasonable access to the residence to determine the nature and extent of the defect. The manufacturer or dealer of manufactured housing would be required to respond to the claimant within 30 days of the notice and could offer to inspect the property, remedy the defect, compromise by payment or reject in whole or in part the claim. The bill proposed to provide that a court must dismiss an action commenced against a manufacturer or dealer of

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manufactured housing if the claimant has failed to comply with the notice and opportunity to repair requirements. This bill would require a manufacturer or dealer of manufactured housing contractor to provide notice of the provisions of this bill to a homeowner upon entering a home construction contract.

LD 1412 **An Act To Protect Consumers Regarding Motor Vehicle Rentals** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPS	ONTP	

LD 1412 proposed to require verification of the mileage of a motor vehicle before that motor vehicle is rented for a period of less than one year.

LD 1423 **Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work** **RESOLVE 105**

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

LD 1423 proposed to direct the Department of Professional and Financial Regulation and the Maine Community College System to jointly develop a proposal to establish a certification program for home repair and renovation tradespersons to perform limited plumbing and electrical work. This resolve proposed to require the department and the system to solicit input from interested parties, including, but not limited to, the Electricians' Examining Board, the Plumbers' Examining Board and consumers of home repair, plumbing and electrical services.

Enacted law summary

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

LD 1427 **An Act Regarding the Scope of Practice of Registered Cardiovascular Invasive Specialists** **ONTP**

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

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LD 1427 proposed to establish laws governing registered cardiovascular invasive specialists. The bill proposed to require cardiovascular invasive specialists to work within written practice protocols and under the supervision of a cardiologist. The bill lists functions and duties that a cardiovascular invasive specialist may perform and it would require that a cardiovascular invasive specialist wear an identification badge.

LD 1441 **An Act Concerning the Measurement of Firewood** **DIED BETWEEN HOUSES**

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

LD 1441 proposed to allow the sale of firewood only according to the definition of a standard cord. This bill proposed to delete the definition of a loose cord of firewood.

LD 1443 **An Act To Require the Owner of a Service Dog To Show a Certificate of Completion of a Basic Obedience Class from a Service Dog Trainer in Order for That Dog To Be Admitted to a Retail Establishment or Restaurant** **ONTP**

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

LD 1443 proposed to allow an owner of a service dog to bring the dog into food stores and restaurants only if the owner shows the store or restaurant a certificate of completion for the dog from a basic obedience class administered by a service dog trainer.

LD 1445 **An Act To Protect the Integrity of Maine State Housing Authority Funds** **PUBLIC 261**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-429

LD 1445 proposed to allow the Maine State Housing Authority, after notice and hearing, to withhold, suspend or revoke the funds granted to any person or organization who violates any health, safety or sanitation standard of the Maine State Housing Authority or the municipality in which the subject housing is located.

Committee Amendment "A" (H-429) proposed to provide that the Maine State Housing Authority may condition approval of funding for a housing project upon a municipality's representation that the applicant, an affiliate of the applicant or any owner controlled by the applicant has no record of a material municipal code violation of health, safety or sanitation standards.

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Enacted law summary

Public Law 2005, chapter 261 provides that the Maine State Housing Authority may condition approval of funding for a housing project upon a municipality's representation that the applicant, an affiliate of the applicant or any owner controlled by the applicant has no record of a material municipal code violation of health, safety or sanitation standards.

LD 1461

An Act To Increase Access to Certain Dental Services

PUBLIC 322

<u>Sponsor(s)</u> FAIRCLOTH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-601
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LD 1461 proposed to establish a new category of dental assistant, "expanded function dental assistant," with authority to perform certain reversible intraoral procedures under the direct supervision of and assignment of duties by a licensed dentist. The bill proposed to provide that a certified dental assistant or a licensed registered dental hygienist may qualify for certification as an expanded function dental assistant by successfully completing training in a school or program approved by the Board of Dental Examiners.

Committee Amendment "A" (H-601) proposed to limit the number of procedures the expanded function dental assistant may perform to the procedures listed in the bill and provides that the Board of Dental Examiners may further expand through rulemaking other reversible procedures that an expanded function dental assistant may perform. It also proposed to provide that the Board of Dental Examiners may establish an application fee, not to exceed \$100, as well as a certification renewal fee of not more than \$100. The amendment also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

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

LD 1471

An Act To Update the Membership of Certain Professional Licensing Boards

PUBLIC 235

<u>Sponsor(s)</u> SMITH N BROMLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> H-356
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LD 1471 proposed to eliminate the position on the Electricians' Examining Board designated for the Commissioner of Professional and Financial Regulation or the commissioner's designee. This bill also proposed

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to amend the State Board of Social Worker Licensure by removing restrictive language with regard to license types. Finally, the bill proposed to eliminate one position from the Board of Barbering and Cosmetology currently designated for an owner of a barbering or cosmetology school located in the State.

Committee Amendment "A" (H-356) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2005, chapter 235 eliminates the position on the Electricians' Examining Board designated for the Commissioner of Professional and Financial Regulation or the commissioner's designee. The law also amends the State Board of Social Worker Licensure by removing restrictive language with regard to license types to provide greater flexibility to appoint members with significant clinical social work experience. Finally, the law eliminates the position from the Board of Barbering and Cosmetology that is currently designated for an owner of a barbering or cosmetology school located in the State.

LD 1480

An Act Regarding Licensing Boards

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	S-208

LD 1480 proposed to increase the statutory fee caps with respect to the Board of Chiropractic Licensure, the Maine Board of Pharmacy, the Board of Licensure for Professional Land Surveyors and the Board of Real Estate Appraisers. The bill proposed to provide for a standardized approach to licensure renewal procedures.

Committee Amendment "A" (S-208) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2005, chapter 262 increases the statutory fee caps with respect to the Board of Chiropractic Licensure, the Maine Board of Pharmacy, the Board of Licensure for Professional Land Surveyors and the Board of Real Estate Appraisers. The law also provides for a standardized approach to licensure renewal procedures.

LD 1482

An Act To Provide for the 2005 and 2006 Allocations of the State Ceiling on Private Activity Bonds

**P & S 5
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY RECTOR	OTP-AM	S-115

LD 1482 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2005 and 2006. Under federal law, a maximum of \$239,180,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2005 and 2006. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

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Committee Amendment "A" (S-115) proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 2005, chapter 5 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2005 and 2006. Under federal law, a maximum of \$239,180,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2005 and 2006. The law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

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

LD 1484 **An Act To Protect Consumers and Enhance Real Estate Practice** **ONTP**

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

LD 1484 proposed to amend various statutes affecting real estate brokerage agencies. The bill proposed to add commercial leasing to the definition of "real estate brokerage."

The bill proposed to provide several methods to protect consumers from unlicensed real estate activity. It would give the Real Estate Commission the authority to investigate and prosecute unlicensed real estate activity. It also proposed to create a private cause of action by which an affected party may seek a court-ordered injunction to prohibit unlicensed real estate activity. The bill would not affect the authority of the Attorney General's office to investigate and prosecute unlicensed real estate activity.

The bill proposed to provide minimum service standards for real estate brokerage agencies and amend the educational provisions for real estate brokerage licensees. The bill would increase the continuing education requirement for licensees from 15 hours to 21 hours and remove the requirement that associate real estate brokerage license applicants take an examination. Additionally, the bill proposed to require that applicants for a real estate sales agent license both complete a course of study of no less than 84 hours and take an examination.

The bill proposed to require that real estate brokerage licensees, as well as owners selling their own homes, provide property disclosures containing certain information. It also proposed to update the seller's mandatory disclosures involving reference to heating systems and sources rather than to insulation. The bill also proposed to authorize the Real Estate Commission to adopt other mandatory disclosures through rulemaking.

LD 1503 **An Act To Amend the Economic Development Statutes** **PUBLIC 425**

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

LD 1503 proposed to make changes to Maine rural development law, including changing the name of the community industrial building program to the speculative industrial building program, clarifying conflicts of

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interest for the board of directors and clarifying the required municipal participation in a project. The bill also proposed to remove the sunset from the Maine Technology Institute law, change the board members as a result of the dissolution of the Maine Science and Technology Foundation and clarify the board liability insurance coverage. The bill also proposed to create designee authority for the Commissioner of Economic and Community Development on the Maine Rural Development Authority, Finance Authority of Maine, Energy Resources Council and Maine Small Business and Entrepreneurship Commission and remove the commissioner as a nonvoting trustee from the Maine Community College System board.

The bill would remove the office directors within the Department of Economic and Community Development as major policy-influencing positions and establish that the Director of the Office of Innovation serves as the State Science Advisor. It proposed to remove a representative from the department as a nonvoting member from the allocation committee for determining the private activity bond ceiling and establish the Small Enterprise Growth Board as a corporate entity. Finally, the bill proposed to repeal the language requiring the department to develop and implement a marketing campaign to attract and retain youth in Maine.

Committee Amendment "A" (H-683) proposed to specify that the office directors within the Department of Economic and Community Development serve at the pleasure of the commissioner. It also proposed to establish that the position responsible for the administration of the tax incentive programs is a classified state employee position. It would repeal the sunset provision on the Maine Research and Development Evaluation Fund and remove the involvement of the State Budget Officer from the process for assessing the contributing organizations. It would require that the Office of Innovation provide to agencies the annual budget for the fund, as well as a detailed account of each institution's required assessment. It also proposed to remove the previous requirement that transfers to the Maine Research and Development Evaluation Fund must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

Enacted law summary

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

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

The law also establishes that the position responsible for the administration of the tax incentive programs is a classified state employee position. The law repeals the sunset provision on the Maine Research and Development Evaluation Fund and removes the involvement of the State Budget Officer from the process for assessing the contributing organizations. The law requires that the Office of Innovation provide to agencies the annual budget

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for the fund, as well as a detailed account of each institution's required assessment. It also removes the previous requirement that transfers to the Maine Research and Development Evaluation Fund must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Finally, the law repeals the language requiring the department to develop and implement a marketing campaign to attract and retain youth in Maine.

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

<u>Sponsor(s)</u> HASTINGS MILLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-260
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LD 1509 proposed to amend the laws governing the Manufactured Housing Board. The bill proposed to amend the definitions of "dealer," "installer," "mechanic" and "manufactured housing." The bill also proposed to enact definitions for the terms "developer dealer" and "manufacturer's agent." It proposed to require licensing of developer dealers and manufacturer's agents.

Committee Amendment "A" (S-260) proposed to delete all references to the term "manufacturer's agent" in the bill. It also proposed to clarify that active licensees of the Real Estate Commission are exempt from the licensing requirements for selling or brokering used manufactured housing and new manufactured housing if such housing is sold or offered for sale by a licensee of the Manufactured Housing Board.

Enacted law summary

Public Law 2005, chapter 344 amends the laws governing the Manufactured Housing Board. The law amends the definitions of "dealer," "installer," "mechanic" and "manufactured housing." The law also enacts a definition for the term "developer dealer" and requires licensing of developer dealers. The law also clarifies that active licensees of the Real Estate Commission are exempt from the licensing requirements for selling or brokering used manufactured housing and new manufactured housing if such housing is sold or offered for sale by a licensee of the Manufactured Housing Board.

LD 1522 **An Act To Provide Consumers an Itemized Receipt for Gasoline Purchased with a Credit or Debit Card** **ONTP**

<u>Sponsor(s)</u> DUPLESSIE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1522 proposed to require that a person, firm, partnership, association, corporation or limited liability company that accepts a credit card or debit card for the retail purchase of gasoline must provide to the purchaser at the gasoline pump a receipt that includes the total number of gallons purchased and the price per gallon.

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LD 1524

An Act To Update Professional and Occupational Licensing Laws

PUBLIC 347

<u>Sponsor(s)</u> FARRINGTON BROMLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-522
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LD 1524 proposed several statutory changes in laws regarding occupational licensing standards, electrician licensing, veterinary medicine, accountancy practice, transient seller registration and the jurisdiction of state propane inspectors over dispensing stations. The bill proposed to do the following:

1. Expand the list of licensing entities that may consider an applicant's prior criminal conviction history in the professional licensing process;
2. Remove an inaccurate and unnecessary reference to the definition of "household;"
3. Simplify references to the Maine Revised Statutes, Title 17-A in the Maine Veterinary Medicine Practice Act; references to Title 17-A provisions setting forth grounds for disciplinary action are replaced with narrative descriptions of those provisions;
4. Remove unnecessary transition language from the statute regulating accountancy practice. Language is added to authorize the Board of Accountancy to recognize an applicant's work completed under the supervision of a licensed professional of another country as satisfying the required work experience to obtain a certified public accountant license;
5. Amend the definition of "merchandise" in the transient seller registration laws to exclude insurance products from the definition because the insurance industry is already regulated by the Bureau of Insurance; and
6. Clarify the jurisdiction of state propane and natural gas inspectors.

Committee Amendment "A" (H-522) proposed to change the definition of "merchandise," as amended by Public Law 2005, chapter 65, and it also proposed to add the Maine Board of Pharmacy to the list of licensing programs that may consider criminal convictions for sexual misconduct by an applicant or licensee.

Enacted law summary

Public Law 2005, chapter 347 makes the following changes to professional and occupational licensing laws:

1. It expands the list of state licensing entities that may consider in the professional licensing process prior criminal convictions that involve sexual misconduct of an applicant or licensee;
2. It removes an inaccurate and unnecessary reference to the definition of "household";
3. It simplifies references to civil and criminal laws and rules in the Maine Veterinary Medicine Practice Act and provides narrative descriptions of provisions setting forth grounds for disciplinary action;
4. It removes outdated transition language from the statute regulating accountancy practice. It also authorizes the Board of Accountancy to recognize an applicant's work completed under the supervision of a licensed

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professional of another country as satisfying the required work experience to obtain a certified public accountant license;

- 5. It amends the definition of "merchandise" in the transient seller registration laws to exclude insurance products from the definition because the insurance industry is already regulated by the Bureau of Insurance; and
- 6. It clarifies the jurisdiction of state propane and natural gas inspectors.

LD 1525

An Act To Amend the Real Estate Brokerage Laws

PUBLIC 378

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

LD 1525 proposed to amend the real estate brokerage license laws as follows:

- 1. Clarify the definitions of the words "real estate brokerage agency" and "agency";
- 2. Repeal the current real estate brokerage contract section and enact a section titled "Brokerage agreements." Brokerage agreements between a real estate company providing brokerage services to a client seller or buyer would be required to be in writing, to include 4 specific contract provisions and to terminate a real estate company's rights to enforce an agreement after the expiration date against a client who engages the services of another real estate brokerage agency;
- 3. Amend the trust account section to permit brokerage trust accounts to be maintained only in a federally insured financial institution authorized to do business in this State, as defined in the Maine Revised Statutes, Title 9-B, section 131, subsection 17-A, or a credit union authorized to do business in this State as defined in Title 9-B, section 131, subsection 12-A, and authorize the Real Estate Commission to adopt rules to establish standards by which trust account records are to be maintained;
- 4. Enact a section that authorizes the Real Estate Commission to adopt rules establishing the requirements for real estate companies to maintain brokerage records, including a retention schedule;
- 5. Amend the agency relationship subchapter and establish a nonagent presumption standard for real estate brokerage companies called "transaction broker." The roles of the transaction broker, buyer agent, seller agent and disclosed dual agent are clarified and the responsibilities to buyers and sellers are established; and
- 6. Adopt an effective date of January 1, 2006 for the bill.

Committee Amendment "A" (H-583) proposed to provide for a sunrise review of commercial leasing by the Department of Professional and Financial Regulation. It also proposed to create a private cause of action by which an affected party may seek a court-ordered injunction to prohibit unlicensed activity. The amendment does not affect the authority of the Attorney General's office to investigate and prosecute unlicensed activity. It also proposed to amend the education provisions for real estate brokerage licensees by increasing the continuing education requirement for licensees from 15 hours to 21 hours and makes the commensurate adjustment to the continuing education required for reinstatement. It proposed to remove the requirement that associate real estate

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brokerage license applicants take an examination and require that applicants for a real estate sales agent license both complete a course of study and take an examination.

This amendment also proposed to require that all sellers provide property disclosures containing certain information, whether or not a person licensed to practice real estate brokerage is involved in the transfer. The requirement that persons licensed to practice real estate brokerage provide such disclosures remains unchanged. It also proposed to update the seller's mandatory disclosures involving reference to heating systems and sources rather than insulation. It proposed to change the effective date to July 1, 2006 and include transition language for sales agents and associate brokers.

House Amendment "A" to Committee Amendment "A" (H-638) proposed to add a correction for the session in which the Joint Standing Committee on Business, Research and Economic Development is authorized to introduce a bill and proposed to correct the effective date.

Enacted law summary

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

1. It clarifies the definitions of the words "real estate brokerage agency" and "agency";
2. It repeals the current real estate brokerage contract section and enacts a section titled "Brokerage agreements." Brokerage agreements between a real estate company providing brokerage services to a client seller or buyer are required to be in writing, to include 4 specific contract provisions and to terminate a real estate company's rights to enforce an agreement after the expiration date against a client who engages the services of another real estate brokerage agency;
3. It amends the trust account section to permit brokerage trust accounts to be maintained only in a federally insured financial institution authorized to do business in this State, as defined in the Maine Revised Statutes, Title 9-B, section 131, subsection 17-A, or a credit union authorized to do business in this State as defined in Title 9-B, section 131, subsection 12-A, and authorizes the Real Estate Commission to adopt rules to establish standards by which trust account records are to be maintained;
4. It enacts a section that authorizes the Real Estate Commission to adopt rules establishing the requirements for real estate companies to maintain brokerage records, including a retention schedule;
5. It amends the agency relationship subchapter and establishes a nonagent presumption standard for real estate brokerage companies called "transaction broker." The roles of the transaction broker, buyer agent, seller agent and disclosed dual agent are clarified and the responsibilities to buyers and sellers are established;
6. It provides for a sunrise review of commercial leasing by the Department of Professional and Financial Regulation;
7. It creates a private cause of action by which an affected party may seek a court-ordered injunction to prohibit unlicensed activity. The law does not affect the authority of the Attorney General's office to investigate and prosecute unlicensed activity;
8. It amends the education provisions for real estate brokerage licensees by increasing the continuing education requirement for licensees from 15 hours to 21 hours and makes the commensurate adjustment to the continuing education required for reinstatement. It removes the requirement that associate real estate

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brokerage license applicants take an examination and requires that applicants for a real estate sales agent license both complete a course of study and take an examination;

9. It requires that all sellers provide property disclosures containing certain information, whether or not a person licensed to practice real estate brokerage is involved in the transfer. The requirement that persons licensed to practice real estate brokerage provide such disclosures remains unchanged;
10. It updates the seller's mandatory disclosures involving reference to heating systems and sources rather than insulation; and
11. It also adopts an effective date of July 1, 2006 and includes transition language for sales agents and associate brokers.

LD 1548

An Act To Amend the Laws Concerning Registration of Engineers

PUBLIC 315

<u>Sponsor(s)</u> BROMLEY FARRINGTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-257
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LD 1548 proposed to change the name of the board from "State Board of Registration for Professional Engineers" to "State Board of Licensure for Professional Engineers" and proposed to change all references to "certificate of registration" to "license." It also proposed to codify the practice of having the Chief Engineer of the Department of Transportation serve as an ex officio voting member of the board. It proposed to authorize the board to grant hardship exemptions to licensees who are unable to fulfill continuing education requirements. It proposed to delete outdated provisions no longer in effect. Finally, it proposed to change the title of chairman to chair and vice-chairman to vice-chair.

Committee Amendment "A" (S-257) proposed to delete the provision in the bill that would require a licensed professional engineer to be responsible for the design of marine vessels used for public conveyance and commercial vessels. Under current law, a person who performs work only on vessels under 200 feet long is exempt from the licensure requirements of professional engineers.

Enacted law summary

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

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LD 1549 **An Act To Require Funeral Establishments To Counsel Next of Kin on Embalming** **ONTP**

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

LD 1549 proposed to provide that a funeral establishment or person licensed for the practice of funeral service shall provide, orally and in writing, timely counseling on embalming to the next of kin or legal representative of a person who has died in order to enable the next of kin or legal representative to make an informed decision regarding embalming. The counseling proposed by this bill would include the fact that embalming is not performed automatically, the implications and consequences of a decision to embalm or not to embalm, including the fact that embalming may be necessary in order to have a funeral with viewing, and the importance of making a timely decision of whether to embalm.

LD 1629 **An Act To Enable Bulk Purchasing of Heating Oil Eligible for Federal Reimbursement** **CARRIED OVER**

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

LD 1629, a concept draft pursuant to Joint Rule 208, proposed to provide the Maine State Housing Authority with bonding authority to enable the purchase of heating oil in bulk from qualified vendors, at a discount, for persons eligible to receive assistance from the federal Low-Income Home Energy Assistance Program in advance of receipt of federal funds for that heating oil.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1651 **An Act To Register Canadian Pharmacies To Provide Safe Reimportation of Prescription Drugs** **ONTP**

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

LD 1651 proposed to authorize the Maine Board of Pharmacy to register Canadian pharmacies to provide prescription drugs by mail order to residents of the State and direct Canadian pharmacies that have been registered be included on a website established and maintained by the Department of Health and Human Services. The bill proposed to require the website to provide information to consumers concerning the Canadian pharmacies approved by the board and the web links for those pharmacies. In addition, this bill proposed to limit the drugs sold, distributed or furnished through mail order service by pharmacies located outside of Maine to Maine residents.

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LD 1653 **Resolve, To Require the Department of Professional and Financial Regulation To Suspend Recently Enacted Rules Pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels** **CARRIED OVER**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1653 proposed to require the Department of Professional and Financial Regulation to suspend recently enacted rules pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1663 **An Act To Establish the Maine Higher Education Employer Initiative** **CARRIED OVER**

<u>Sponsor(s)</u> ROTUNDO		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1663, a concept draft pursuant to Joint Rule 208, proposed to establish the Maine Higher Education Employer Initiative to assist and provide incentives to employers that adopt policies that encourage their employees to attend college and obtain associate and bachelor's degrees. The bill proposed to require the Maine Development Foundation to coordinate and manage the initiative and the Finance Authority of Maine to adopt routine technical rules to implement the tax credit authorized by the initiative.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1670 **An Act To Exempt Internet Services from Auctioneer Licensure** **PUBLIC 349
EMERGENCY**

<u>Sponsor(s)</u> BROMLEY EBERLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-259
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LD 1670 proposed to clarify that sales of goods or real estate occurring over the Internet would not be considered auctions for purposes of regulation of auctions.

Committee Amendment "A" (S-259) proposed to replace the bill. It proposed to provide an exemption from the requirements of auctioneer licensure for an individual who takes possession of goods pursuant to a contract for the exclusive purpose of selling those goods over the Internet. This amendment proposed to repeal this exemption on May 15, 2007.

Enacted law summary

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Public Law 2005, chapter 349 provides an exemption from the requirements of auctioneer licensure for an individual who takes possession of goods pursuant to a contract for the exclusive purpose of selling those goods over the Internet. This exemption is repealed May 15, 2007.

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

LD 1678 **An Act To Replace the Interagency Task Force on Homelessness and Housing Opportunities with the Statewide Homeless Council** **PUBLIC 380**

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

LD 1678 proposed to replace the Interagency Task Force on Homelessness and Housing Opportunities with the Statewide Homeless Council, whose membership would be designed to better coordinate and establish statewide policies on homelessness.

Committee Amendment "A" (S-320) proposed to delete the provision that would allow members of the Interagency Task Force on Homelessness and Housing Opportunities to continue to serve out the remainder of their terms on the Statewide Homeless Council.

Enacted law summary

Public Law 2005, chapter 380 repeals the Interagency Task Force on Homelessness and Housing Opportunities and establishes in its place the Statewide Homeless Council. The membership of the council is designed to better coordinate and establish statewide policies on homelessness.