

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2011

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

LD 30 An Act To Clarify the Laws Governing Non-compete Clauses in Broadcast Industry Contracts ONTP

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

Current law provides that non-compete provisions in broadcasting industry contracts are presumed to be unreasonable. This bill clarifies the language to specifically prohibit the inclusion of a non-compete provision in a broadcasting industry contract.

LD 43 An Act To Repeal the Maine Uniform Building and Energy Code ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HARVELL | ONTP | |

This bill repeals the laws establishing the Maine Uniform Building and Energy Code and makes adjustments to certain other laws to make them consistent with law that existed prior to the enactment of Public Law 2007, chapter 699, which created the uniform code. This bill does not reenact the Maine Model Building Code or the energy efficiency building standards that were repealed by Public Law 2007, chapter 699 and replaced by the Maine Uniform Building and Energy Code.

LD 46 An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in the Civil Service System PUBLIC 6

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| EVES RECTOR | OTP | |

This bill requires that job classifications adopted by the Director of Human Resources within the Department of Administrative and Financial Services must allow a licensed marriage and family therapist to qualify for mental health therapist positions within the civil service system.

Enacted Law Summary

Public Law 2011, chapter 6 requires that job classifications adopted by the Director of Human Resources within the Department of Administrative and Financial Services must allow a licensed marriage and family therapist to qualify for mental health therapist positions within the civil service system.

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

LD 118 An Act To Protect Private Enterprise from Tax-subsidized Competition ONTP
by Imposing Requirements on Certain Postsecondary Institutions

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HARVELL THOMAS | ONTP | |

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

LD 129 An Act To Eliminate Dual Certification Requirements for PUBLIC 49
Speech-language Pathologists

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HARVELL | OTP-AM | H-68 |

This bill requires the State Board of Education to accept a speech-language pathologist licensed by the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting as meeting the education and professional requirements to work in schools as a speech and language clinician. It directs the State Board of Education to revise its rules establishing eligibility requirements for speech and language clinicians accordingly.

Committee Amendment "A" (H-68)

This amendment provides that a person holding a valid license as a speech-language pathologist by the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting is not required to receive certification from the Department of Education in order to provide speech-language pathology services in a public school or an approved private school. The amendment removes the provision of the bill that amended the exception to licensure for individuals holding a valid certificate from the Department of Education. It also directs the State Board of Education to revise its rules regarding the approval process of education personnel to include speech-language pathologists that provide speech-language pathology services in a public school or approved private school and designates these rules as routine technical rules.

Enacted Law Summary

Public Law 2011, chapter 49 provides that a person holding a valid license as a speech-language pathologist by the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting is not required to receive certification from the Department of Education in order to provide speech-language pathology services in a public school or an approved private school. The law directs the State Board of Education to revise its rules regarding the approval process of education personnel to include speech-language pathologists that provide speech-language pathology services in a public school or approved private school and designates these rules as routine technical rules.

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

LD 136 An Act To Amend the Unemployment Compensation Law Regarding ONTP
Denial of Benefits for Refusing To Accept Work

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WOOD MASON | ONTP | |

This bill disqualifies an individual who unreasonably forfeits a license or other credential necessary for employment from receipt of unemployment compensation.

LD 152 An Act To Prohibit Employment Discrimination Based on a Prior ONTP
Criminal Conviction

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

This bill protects persons who have a prior conviction of a crime from employment discrimination by providing that a person with a prior conviction may not be disqualified from employment or an occupation that requires a license, permit or certificate on the basis of that conviction unless the offense for which the person was convicted has a reasonable relationship to the functions of the employment or occupation or the person is disqualified from that occupation by state statute.

LD 166 An Act To Exempt Seasonally Restricted Cottages from the Newly ONTP
Adopted Maine Uniform Building and Energy Code

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CHASE COLLINS | ONTP | |

This bill defines "seasonally restricted cottage" and exempts such cottages from the Maine Uniform Building and Energy Code.

LD 169 An Act To Allow Veterans Who Work for Employers with More than 50 ONTP
Employees To Take Veterans Day Off with Full Pay

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| BEAVERS PATRICK | ONTP | |

This bill requires an employer who has 51 or more employees to provide Veterans Day, November 11th, as a day off with pay to an employee who is a veteran at the request of that employee.

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LD 177 An Act To Authorize Licensed Veterinarians To Honor Prescriptions from Other Licensed Veterinarians PUBLIC 30

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SHAW THIBODEAU | OTP-AM | H-46 |

This bill requires that a licensed veterinarian's prescriptions be honored by other licensed veterinarians.

Committee Amendment "A" (H-46)

This amendment removes the language in the bill that required a licensed veterinarian's prescriptions to be honored by other licensed veterinarians and instead provides a licensed veterinarian with the authority to sell and dispense the written prescription of another licensed veterinarian.

Enacted Law Summary

Public Law 2011, chapter 30 provides a licensed veterinarian with the authority to sell and dispense the written prescription of another licensed veterinarian.

LD 186 An Act To Repeal Laws Prohibiting Certain Businesses from Operating on Sunday ONTP

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

This bill repeals the so-called "Sunday blue laws," which prohibit certain businesses, such as automobile dealerships, from operating on Sundays.

LD 187 An Act To Amend the Laws Regulating Dealers of Agricultural, Industrial, Construction and Forestry Equipment PUBLIC 236

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| BICKFORD BRANNIGAN | OTP-AM | H-324 |

This bill expands the definition of "dealer" in the Maine Revised Statutes, Title 10, chapter 208-B to include persons engaged in retail sales of forestry equipment and light industrial equipment. Chapter 208-B contains provisions pertaining to agreements between suppliers and dealers of farm and utility machinery and yard and garden equipment. It contains repurchase provisions and warranty obligations.

This bill defines "single-line dealer" and excludes a single-line dealer from the protections and obligations under this chapter. It extends from 90 days to 120 days the advance notice required for a supplier or a dealer to notify the other of intent to terminate a supplier-dealer agreement. It revises the requirements for a supplier to repurchase inventory from a dealer. It reduces the period within which payment must be made from 60 to 45 days after receipt of the

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inventory by the supplier. It requires repurchase at 100% of net cost for all new and undamaged equipment purchased from the supplier within 36 months of an agreement termination, instead of the current 30-month period. It establishes rates for repurchase of parts and tools not covered under current law.

It extends from 45 to 90 days the time period a supplier is allowed to consider a dealer's request to transfer a dealership. It specifies that a dealer performing work under a supplier's warranty is entitled to compensation at the suggested retail price for parts.

Committee Amendment "A" (H-324)

This amendment changes the title of the bill to include construction and industrial equipment. It also makes the following changes to the bill.

1. It amends the definition of "dealer" to restore the inclusion of persons that sell all industrial equipment, instead of light industrial equipment as in the bill, and adds persons that sell construction equipment. It removes the exclusion in the definition of "dealer" for heavy construction, industrial and utility equipment.
2. It amends the definition of "inventory" to restore the inclusion of all industrial equipment, instead of light industrial equipment as in the bill, and adds construction equipment.
3. It amends the definition of "single-line dealer" by increasing the total annual average sales volume for the previous 3 years to in excess of \$100,000,000 instead of \$20,000,000 for the entire territory subject to the agreement with the supplier.
4. It makes changes to the repurchase terms by decreasing the penalty the supplier is required to pay to the dealer from 2% to 1 1/2% per day on any outstanding balance over 45 days.
5. It makes changes to the laws governing warranty obligations by requiring that the dealer that performs warranty work be compensated for parts in fulfilling the warranty work in an amount that is not less than the dealer's costs for such parts plus 20% or the supplier's suggested retail price for such parts, whichever is greater, plus freight and handling charges.
6. It prohibits a supplier from mandating, coercing or attempting to coerce any dealer to order or accept delivery of equipment or repair parts not required by law that have not been voluntarily ordered by the dealer, unless the equipment or repair parts are comprised of safety features required by the supplier; requiring any dealer to refrain from participation in the management or acquisition of, or investment in, any other business; or preventing, coercing or attempting to coerce a dealer from selling competing products lines or makes of equipment or requiring the dealer to provide separate facilities for competing product lines or makes of equipment.
7. It adds a statement of legislative findings and intent and adds an application section that provides that the provisions of the bill apply to all contracts and agreements in effect on the effective date of the bill that have no expiration date and are continuing contracts and all other contracts and agreements entered into, amended, renewed or extended after the effective date of the bill.

Enacted Law Summary

Public Law 2011, chapter 236 makes the following changes to the laws pertaining to agreements between suppliers and dealers of farm machinery dealerships:

1. It expands the definition of "dealer" in the Maine Revised Statutes, Title 10, chapter 208-B to include persons engaged in retail sales of forestry equipment, industrial equipment, construction equipment and it amends the

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definition of "inventory";

2. It contains repurchase provisions and warranty obligations;
3. It defines "single-line dealer" and excludes a single-line dealer from the protections and obligations under this chapter;
4. It extends from 90 days to 120 days the advance notice required for a supplier or a dealer to notify the other of intent to terminate a supplier-dealer agreement, revises the requirements for a supplier to repurchase inventory from a dealer and reduces the period within which payment must be made from 60 to 45 days after receipt of the inventory by the supplier;
5. It requires repurchase at 100% of net cost for all new and undamaged equipment purchased from the supplier within 36 months of an agreement termination, instead of the current 30-month period;
6. It establishes rates for repurchase of parts and tools not covered under current law and requires the supplier to pay to the dealer a penalty on any outstanding balance of 1 1/2% per day on any outstanding balance over 45 days;
7. It extends from 45 to 90 days the time period a supplier is allowed to consider a dealer's request to transfer a dealership;
8. It specifies that a dealer performing work under a supplier's warranty is entitled to compensation for parts in fulfilling the warranty work in an amount that is not less than the dealer's costs for such parts plus 20% or the supplier's suggested retail price for such parts, whichever is greater, plus freight and handling charges.
9. It prohibits a supplier from mandating, coercing or attempting to coerce any dealer to order or accept delivery of equipment or repair parts not required by law that have not been voluntarily ordered by the dealer, unless the equipment or repair parts are comprised of safety features required by the supplier; requiring any dealer to refrain from participation in the management or acquisition of, or investment in, any other business; or preventing, coercing or attempting to coerce a dealer from selling competing products lines or makes of equipment or requiring the dealer to provide separate facilities for competing product lines or makes of equipment;
10. It adds a statement of legislative findings and intent and adds an application section that provides that the provisions of the bill apply to all contracts and agreements in effect on the effective date of the bill that have no expiration date and are continuing contracts and all other contracts and agreements entered into, amended, renewed or extended after the effective date of the bill.

LD 188 An Act To License Residential Builders and Register Specialty Contractors

**MAJORITY
(ONTP) REPORT**

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

This bill creates the Maine Residential Builders and Specialty Contractors Act and establishes the Maine Residential Builders and Specialty Contractors Board within the Department of Professional and Financial Regulation, Office of Licensing and Registration. Beginning January 1, 2014, the board will authorize persons to practice residential building activities by issuing a license to residential builders and a registration certificate to residential specialty contractors. It establishes the requirements for licensure as a residential builder and for registration as a residential specialty contractor and includes certain specific exemptions from licensure and registration. The bill also provides

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for staggered initial appointments to the board and requires that all members be appointed to the board no later than May 1, 2012. The board is required to convene its first meeting no later than July 15, 2012.

Committee Amendment "A" (H-450)

This amendment is the minority report of the committee. It adds an appropriations and allocations section. This amendment was not adopted.

LD 204 An Act Regarding the Membership of the Midcoast Regional **DIED BETWEEN
Redevelopment Authority Board of Trustees HOUSES**

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

This bill provides that a member appointed to the board of trustees of the Midcoast Regional Redevelopment Authority may not be an employee who serves at the pleasure of a person who holds elected office in municipal, county or state government.

Committee Amendment "A" (S-19)

This amendment is the majority report of the committee. It amends the language in the bill that prevents a member of the board of trustees of the Midcoast Regional Redevelopment Authority from being an employee who serves at the pleasure of a person who holds elected office in municipal, county or state government to clarify that this restriction does not apply to the commissioner of a department of State Government that serves as an ex officio member on the authority, since the commissioner serves at the pleasure of the Governor.

LD 207 An Act To Amend the Laws Regarding Tips Used in Payment of Service **PUBLIC 118
Employees**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| LANGLEY | OTP-AM | S-58 |

This bill changes the laws regarding the tip credit for employers as used in the payment of service employees by eliminating the provision that specifies that tips received by a service employee are the property of the employee and may not be shared with the employer. It eliminates the provision that makes tip splitting voluntary and also eliminates the provision that tips automatically included in a customer's bill or charged to a customer's credit card must be given to the service employee. It also eliminates the provision that directs the employer to pay the service employee by the next regular payday for tips charged to a credit card.

Committee Amendment "A" (S-58)

This amendment replaces the proposed changes in the bill regarding the tip credit for employers. The amendment defines "tip" and clarifies that a sum presented by a customer in recognition of service performed is considered a tip for the service employee even if it is automatically included in the customer's bill or charged to a credit card. It also states that a service charge included in a bill in a banquet or private club setting is not a tip and that the customer must be notified of this, that all employees in the banquet or private club setting must be compensated in accordance with the State's minimum wage and overtime laws and that the service charge can be used to meet these obligations.

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The amendment further clarifies that tip pooling is a valid practice as described by federal laws and regulations.

Enacted Law Summary

Public Law 2011, chapter 118 simplifies the definition of "service employee" and defines "tip" as a sum presented by a customer in recognition of services performed; it also clarifies that a tip does not include an agreed upon service charge added to a customer's bill in a banquet or private club setting. Public Law 2011, chapter 118 does not prohibit an employer from establishing a valid tip pooling arrangement among service employees that is consistent with the federal Fair Labor Standards Act and regulations. It further requires an employer in a banquet or private club setting that adds a service charge to notify the customer that the service charge does not represent a tip for service employees.

LD 224 An Act To Provide Temporary Changes to the Extended Benefit Triggers in Accordance with the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010

**PUBLIC 2
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RECTOR | OTP-AM | S-3 |

On December 17, 2010, the United States Congress passed the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111-312, which made changes to the laws governing the federal-state unemployment extended benefits program. These changes continued the full federal funding of the extended benefits program through December 31, 2011 and additionally changed the formula for determining when the program "triggers on" to include a look back at the State's unemployment rate experience for the preceding three calendar years instead of the two years in current statute. This temporary three-year look-back provision change is tied to the continued federal funding of benefits paid out under the extended benefits program and therefore is also set to expire on December 31, 2011.

This bill temporarily changes Maine law to reflect the trigger calculation change. If this change is not made, Maine is projected to "trigger off" extended benefits in March 2011, and it is estimated that approximately 7,100 unemployed Maine workers will lose their benefits under this program.

Committee Amendment "A" (S-3)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 2 temporarily changes Maine law to reflect the trigger calculation change necessitated by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111-312. If this change was not made, approximately 7,100 unemployed Maine workers may have lost their benefits under this program.

Public Law 2011, chapter 2 was enacted as an emergency measure effective February 18, 2011.

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LD 230 Resolve, To Establish a Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State

RESOLVE 67

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SIROCKI | OTP-AM MAJ ONTP MIN | H-319 |

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

Committee Amendment "A" (H-319)

This amendment is the majority report of the committee. It replaces the bill with a resolve that requires that the Department of Professional and Financial Regulation, Board of Dental Examiners establish a 2-year pilot project to allow a licensed independent practice dental hygienist to expose and process radiographs under protocols developed by the Board of Dental Examiners within areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas. The rules for the pilot project must require that the independent practice dental hygienist have an agreement in writing to have a licensed dentist available to interpret all dental radiographs within 21 days from the date a radiograph is taken and for the dentist to sign a radiographic review and findings form. It requires the Board of Dental Examiners to provide a report to the joint standing committee of the Legislature having jurisdiction over economic development matters regarding the status of the pilot project and its ability to improve access to dental health services in federally designated dental health professional shortage areas and recommendations for continuance, discontinuance or modification of the pilot project. It also terminates the project March 15, 2014. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2011, chapter 67 requires the Department of Professional and Financial Regulation, Board of Dental Examiners to establish a 2-year pilot project to allow a licensed independent practice dental hygienist to expose and process radiographs under protocols developed by the Board of Dental Examiners within areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas. The rules for the pilot project must require the independent practice dental hygienist to have an agreement in writing to have a licensed dentist available to interpret all dental radiographs within 21 days from the date a radiograph is taken and for the dentist to sign a radiographic review and findings form. It requires the Board of Dental Examiners to provide a report to the joint standing committee of the Legislature having jurisdiction over economic development matters regarding the status of the pilot project and its ability to improve access to dental health services in federally designated dental health professional shortage areas and recommendations for continuance, discontinuance or modification of the pilot project. It also terminates the project March 15, 2014.

LD 266 An Act To Expand Access to Oral Health Care

**MAJORITY
(ONTP) REPORT**

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

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This bill establishes a licensure process and scope of practice for oral health practitioners. It provides rule-making authority for the Board of Dental Examiners.

This amendment is the minority report of the committee. It replaces the bill with a resolve directing the Commissioner of Professional and Financial Regulation to conduct stakeholder meetings with the Board of Dental Examiners, the Maine Dental Association, the Maine Dental Hygienists' Association and other interested parties to review options for expanding access to oral health care in areas of rural Maine through the creation of a new mid-level license category for oral health practitioners and to submit a report. It authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

LD 269 An Act To Implement a Maine Unemployment Insurance Work-sharing Program PUBLIC 91

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RUSSELL | OTP-AM | H-91 |

This bill creates a work-sharing program that provides an alternative to layoffs during a temporary slowdown in business. Under a work-sharing plan, an employer elects to avoid layoffs by reducing the number of regularly scheduled hours of work for all workers in a specific unit or department or the business as a whole. Unemployment insurance benefits for the reduced hours of work are then payable as a proportion of the benefit amount for a full week of unemployment.

A work-sharing plan is voluntary on the part of the employer. A plan must be approved by the Commissioner of Labor or the commissioner's designee and, if the employees are unionized, by their collective bargaining agent.

Committee Amendment "A" (H-91)

This amendment clarifies that a public employer is included in the definition of "eligible employer" within the work-sharing program. It directs the Commissioner of Labor to adopt routine technical rules to implement the work-sharing program. The amendment requires two separate reports from the Commissioner of Labor to the joint standing committee of the Legislature having jurisdiction over labor matters. It also establishes an effective date of March 1, 2012 and a repeal date of February 28, 2014 for the work-sharing program.

Enacted Law Summary

Public Law 2011, chapter 91 establishes a work-sharing program that provides an alternative to layoffs during a temporary slowdown in business. Under a work-sharing plan, a public or private employer elects to avoid layoffs by reducing the number of regularly scheduled hours of work for all workers in a specific unit or department or the business as a whole. Unemployment insurance benefits for the reduced hours of work are then payable as a proportion of the benefit amount for a full week of unemployment.

A work-sharing plan is voluntary on the part of the employer. A plan must be approved by the Commissioner of Labor or the commissioner's designee and, if the employees are unionized, by their collective bargaining agent.

Public Law 2011, chapter 91 directs the Commissioner of Labor to adopt routine technical rules to implement the work-sharing program. It requires two separate reports from the Commissioner of Labor to the joint standing committee of the Legislature having jurisdiction over labor matters. It also establishes an effective date of March 1, 2012 and a repeal date of February 28, 2014 for the work-sharing program.

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LD 273 An Act Regarding Penalties for Opting Out of Paperless Billing

PUBLIC 226

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SULLIVAN | OTP-AM MAJ ONTP MIN | S-118 S-132 SULLIVAN |

This bill prohibits penalizing a customer for opting out of receiving a billing statement in electronic form rather than paper form, but allows an incentive to be offered to a customer to accept a billing statement electronically rather than in paper form.

Committee Amendment "A" (S-118)

This amendment is the majority report of the committee. The bill provides that certain fees for customers choosing to opt out of receiving a billing statement in electronic form rather than paper form are prohibited. The amendment makes the prohibition subject to federal law and regulation. It also adds an exemption for a depository institution, or a subsidiary that is owned and controlled by a depository institution, and that is regulated by a state or federal banking agency.

Senate Amendment "A" To Committee Amendment "A" (S-132)

This amendment adds an exemption for an affiliate of a depository institution.

Enacted Law Summary

Public Law 2011, chapter 226 provides that certain fees for customers choosing to opt out of receiving a billing statement in electronic form rather than paper form are prohibited, subject to federal law and regulation. The law provides an exemption for a depository institution, or a subsidiary that is owned and controlled by a depository institution, and that is regulated by a state or federal banking agency. It also includes an exemption for an affiliate of a depository institution.

LD 304 An Act To Promote the Hiring of Seasonal Workers

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCKANE RECTOR | ONTP | |

This bill changes from five weeks to 10 weeks the amount of time an employer may employ an employee without being charged for unemployment benefits.

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LD 309 An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| WINSOR SNOWE-MELLO | | |

This bill amends the State's labor laws to ensure that each public sector union represents only those public employees who voluntarily are members of that union.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 314 An Act To Improve Employment Opportunities for Workers in the Forest Industry MAJORITY (ONTP) REPORT

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

This bill requires a landowner to notify the Department of Conservation, Bureau of Forestry if forest land is harvested using bonded labor under the federal H2 bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq. If a landowner or a harvester employed by or under contract to the landowner uses bonded labor under the federal H2 bonded labor program or the landowner fails to provide the required notification, the land must be suspended from the Maine Tree Growth Tax Law for the year in which bonded labor is used and a penalty must be assessed under the commercial forestry excise tax to compensate the State for the General Fund contribution to the cost of forest fire protection activities.

Committee Amendment "A" (S-32)

This amendment, which is the minority report of the committee, clarifies that the Department of Conservation, Bureau of Forestry must notify landowners of their suspension from the Maine Tree Growth Tax Law and that the land must be taxed at just value for all property tax years of the years of suspension. This amendment was not adopted.

LD 315 An Act Relating to the Status of a Private Investigator as an Independent Contractor PUBLIC 66

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| THOMAS | OTP-AM | S-38 |

This bill excepts a private investigator from the definition of "employment" in the Employment Security Law if there is a written contract between the parties; the private investigator operates independently; compensation for services

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is negotiated; and the party requesting services furnishes neither equipment nor the place of employment to the private investigator.

Committee Amendment "A" (S-38)

This amendment clarifies that in order to be excepted from the definition of "employment" in the Employment Security Law a private investigator may not be subject to coverage under the Federal Unemployment Tax Act.

Enacted Law Summary

Public Law 2011, chapter 66 excepts a private investigator from the definition of "employment" in the Employment Security Law if there is a written contract between the parties; the private investigator operates independently; compensation for services is negotiated; and the party requesting services furnishes neither equipment nor the place of employment to the private investigator. It clarifies that in order to be excepted from the definition of "employment" in the Employment Security Law a private investigator may not be subject to coverage under the Federal Unemployment Tax Act.

LD 316 An Act To Clarify the Scope of Maine's Franchise Laws for Dealers of Power Equipment, Machinery and Appliances PUBLIC 75 EMERGENCY

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BARTLETT | OTP | |

Consistent with the principle that Maine law does not have an extraterritorial effect, this bill confirms that Maine's franchise laws regarding dealers of power equipment, machinery and appliances apply to dealerships located within this State and are not intended to cover dealerships located outside the State.

Enacted Law Summary

Public Law 2011, chapter 75 provides that consistent with the principle that Maine law does not have an extraterritorial effect, this law confirms that Maine's franchise laws regarding dealers of power equipment, machinery and appliances apply to dealerships located within this State and are not intended to cover dealerships located outside the State.

Public Law 2011, chapter 75 was enacted as an emergency measure effective May 16, 2011.

LD 323 An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| VOLK RECTOR | | |

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a public-private partnership at the state level with responsibility for the development and delivery of a comprehensive, coordinated and coherent strategy for economic development in Maine. This private-public partnership shall work with regional and local economic development councils and businesses to

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provide an array of services to companies seeking to locate or expand in Maine. It proposes the development of a "Maine brand" to consistently promote the quality of life in Maine, the quality of Maine recreation and vacation experiences and the quality of Maine-made products. This bill proposes to examine existing economic development programs and appropriations and allocations to each and to redirect funds to support a coherent strategy and maximize positive outcomes.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 340 An Act Regarding Timber Harvesting on State Land

**VETO
SUSTAINED**

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

This bill prohibits the Department of Conservation, Bureau of Parks and Lands from permitting timber on land under its jurisdiction to be harvested using persons employed under the federal H2 bonded labor program.

LD 375 Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Review the Laws and Rules Governing Boilers

**RESOLVE 45
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| GILLWAY | OTP-AM | H-176 |

Under current law, all steam heating boilers, hot water heating boilers and hot water supply boilers that are constructed and installed in accordance with the rules adopted by the Department of Professional and Financial Regulation, Board of Boilers and Pressure Vessels are exempt from a state-level boiler inspection program except for the boilers owned and operated by municipalities and schoolhouses. This bill includes municipalities and schoolhouses in the general exemption.

Committee Amendment "A" (H-176)

This amendment replaces the bill with an emergency resolve directing the Commissioner of Professional and Financial Regulation to convene a working group with the Board of Boilers and Pressure Vessels as well as other interested parties to review the current lack of uniformity in the laws and rules governing boilers and to consider options for expanding inspections of boilers located in public places. The amendment requires the commissioner to submit a report no later than January 15, 2012 of the findings and recommendations of the working group to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 45 is an emergency resolve directing the Commissioner of Professional and Financial Regulation to convene a working group with the Board of Boilers and Pressure Vessels as well as other interested parties to review the current lack of uniformity in the laws and rules governing boilers and to consider options for expanding inspections of boilers located in public places. The resolve requires the commissioner to submit a report

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no later than January 15, 2012 of the findings and recommendations of the working group to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It also authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 45 was finally passed as an emergency measure effective May 23, 2011.

LD 384 An Act To Provide Incentives To Foster Economic Growth and Build Carried Over
Infrastructure in the State

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------------|-------------------------|---------------------------|
| PICCHIOTTI WHITTEMORE | | |

This bill establishes the Tourism and Industry Film Production Cash Rebate Program in the Department of Economic and Community Development, Office of Tourism. The purpose of the program is to attract film production companies to Maine by providing cash rebates for certain expenses of the film production company. In order to qualify, the company must spend at least \$50,000 for direct production costs in Maine and at least \$250,000 in investment in infrastructure in this State and have ties to Maine, such as using a Maine bank and payroll processor. The amount of the available rebate ranges from 27% of the expenses related to infrastructure to 51% of the costs of training and employment of Maine residents.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 398 An Act To Require Criminal History Record Information for Licensure VETO
of Nurses **SUSTAINED**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RECTOR | OTP-AM MAJ ONTP MIN | S-249 |

This bill allows the State Board of Nursing to obtain criminal history record information with respect to applicants for licensure or renewal of licensure or licensees who are under investigation by the board. The bill also requires fingerprinting of applicants for licensure or renewal of licensure and licensees under investigation by the board and allows the board to require fingerprinting of licensees and applicants who take educational preparation courses for licensure. The criminal history record information under this bill is required to be kept confidential except under certain circumstances, and any action taken by the board based upon this information against an applicant or licensee is subject to the procedures under state law for occupational license disqualification based upon criminal record.

Committee Amendment "A" (S-249)

This amendment is the majority report of the committee and it replaces the bill. It requires a person applying for licensure with the State Board of Nursing to submit to having fingerprints taken by a law enforcement officer in order for the board to obtain state and national criminal history record information from the Federal Bureau of Investigation. It provides that the criminal history record information is confidential and any action taken by the board based upon this information against an applicant is subject to the procedures under state law for occupational license disqualification based upon criminal record. It establishes a fund to reimburse the Department of Public

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Safety for the cost of conducting the fingerprinting and state and national criminal history record checks. It also adds an appropriations and allocations section.

LD 406 Resolve, To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CAIN ALFOND | ONTP | |

This resolve directs the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors to adopt rules for the licensure of alcohol and drug counselors by October 1, 2011 to include tobacco addiction as a drug addiction and clarify that treatment for tobacco addiction is within an alcohol and drug counselor's scope of practice.

LD 438 An Act To Provide Seed Money for the Construction of Senior Housing in the Town of Newport ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FREDETTE | ONTP | |

This bill provides funding to seed a public-private partnership for construction of senior housing in the Town of Newport contingent upon the community's contributing matching funds on a one-to-one basis.

LD 447 An Act To Raise the Minimum Wage MAJORITY (ONTP) REPORT

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TUTTLE JACKSON | ONTP MAJ OTP MIN | |

This bill requires the minimum wage to increase to \$7.75 per hour starting October 1, 2011 and \$8.00 per hour starting October 1, 2012.

LD 453 An Act To Facilitate the Establishment of a Business in Maine by Providing Assistance with Document Completion ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| AYOTTE SHERMAN | ONTP | |

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish within the Department of Environmental Protection's office of innovation and assistance a program of industry promotion that will provide assistance to individuals and businesses as they navigate through the multiple and varied documents and forms required by the department in its issuance of permits.

LD 457 An Act To Provide a Livable Wage for Maine Families ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CAREY ALFOND | ONTP | |

This bill requires the minimum hourly wage to be adjusted for inflation on October 1st of each year.

LD 465 An Act To Provide Efficient Delivery of Economic Development Services ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| BENNETT COLLINS | ONTP | |

This bill is a concept draft pursuant to Joint Rule 208. It proposes to consolidate the administration of state programs and funding that support economic development. Services that should be centralized and consolidated include, but are not limited to, marketing, business development and development assistance provided to municipalities.

This bill seeks to coordinate the utilization of federal, state and local economic development funds to provide the most efficient and effective delivery of services.

LD 516 An Act To Amend Maine Law Regarding Employment Practices for Certain Minors PUBLIC 174

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PLOWMAN | OTP-AM MAJ ONTP MIN | S-79 S-97 SULLIVAN |

This bill repeals the limiting of hours minors 16 years of age may work while school is not in session. It repeals all limitations on the hours a minor 17 years of age may work. It also conforms Maine law to federal law.

Committee Amendment "A" (S-79)

This amendment extends the hours a student may work when school is in session. It extends the hours of work permitted per week from 20 to 24 and it extends the hours of work permitted per day from four to six. The amendment removes language pertaining to authorized school closures and hours of employment. The amendment also changes the hour to which a student may work on a day preceding a scheduled school day from 10 p.m. to 11

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p.m.

Senate Amendment "C" To Committee Amendment "A" (S-97)

This amendment changes the hour to which a student may work on a day preceding a school day from 11:00 p.m. to 10:15 p.m.

Enacted Law Summary

Public Law 2011, chapter 174 extends the hours a student may work when school is in session. It extends the hours of work permitted per week from 20 to 24 and it extends the hours of work permitted per day from four to six. Public Law 2011, chapter 174 removes language pertaining to authorized school closures and hours of employment. It also changes the hour to which a student may work on a day preceding a scheduled school day from 10 p.m. to 10:15 p.m.

LD 534 An Act To Clarify Successor Liability under the Employment Security Law ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| PRESCOTT SHERMAN | ONTP | |

This bill exempts licensed eating establishments from having experience and assignment rates under the Employment Security Law transferred to them from previous similar employers that may have operated within an existing property when the prior employer has no connection to the new restaurant.

LD 537 Resolve, To Design and Implement a Demonstration Project on Recertification of Certified Nursing Assistants RESOLVE 35

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| WEBSTER JACKSON | OTP-AM | H-107 |

This bill expands the options for listing on the Maine Registry of Certified Nursing Assistants by:

1. Requiring reasonable accommodations for persons with disabilities for the certified nursing assistant test;
2. Allowing supervision of a certified nursing assistant by a registered nurse in a home care setting for the purposes of meeting the 8-hour certified nursing recertification requirement; and
3. Directing the offices within the Department of Health and Human Services concerning elder services and licensing and regulatory services to work together with licensed home health agencies and nursing facilities to design and implement a demonstration project on certified nursing assistant qualification for continued listing on the Maine Registry of Certified Nursing Assistants to allow a person who is working as an unlicensed assistive person to work or serve as a trainee in a licensed home health agency or nursing facility under required supervision in order to qualify for certification on the Maine Registry of Certified Nursing Assistants.

Committee Amendment "A" (H-107)

This amendment changes the bill to a resolve. The amendment eliminates the provisions of the bill requiring

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reasonable accommodations for persons with disabilities for the certified nursing assistant test and allowing supervision of a certified nursing assistant by a registered nurse in a home care setting for purposes of recertification and retains the provisions of the bill requiring certain offices within the Department of Health and Human Services to implement a demonstration project on certified nursing assistant qualification.

Enacted Law Summary

Resolve 2011, chapter 35 requires certain offices within the Department of Health and Human Services to work together with licensed home health agencies and nursing facilities to design and implement a demonstration project on certified nursing assistant qualification for continued listing on the Maine Registry of Certified Nursing Assistants beginning January 1, 2012. The resolve requires the project to provide a mechanism by which a person who is working as an unlicensed assistive person may work or serve as a trainee in a licensed home health agency or nursing facility under required supervision in order to qualify for certification on the Maine Registry of Certified Nursing Assistants.

LD 555 An Act To Utilize a Dental Complaint Review Panel ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| PRESCOTT MARTIN T | ONTP | |

This bill provides for a preliminary review of all complaints filed with the Board of Dental Examiners by a review panel of 3 members of the board. The review panel has the power, by a unanimous vote, to dismiss complaints it believes are without merit or do not state complaints within the jurisdiction of the board. All other complaints must be forwarded to the full board for further action.

LD 575 An Act To Extend a Deadline under the Regional Economic Development Revolving Loan Program PUBLIC 11 EMERGENCY

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

The bill extends to June 30, 2012 the date until which entities eligible for loan insurance may be eligible for financial assistance under the Finance Authority of Maine's Regional Economic Development Revolving Loan Program.

Enacted Law Summary

Public Law 2011, chapter 11 extends to June 30, 2012 the date until which entities eligible for loan insurance may be eligible for financial assistance under the Finance Authority of Maine's Regional Economic Development Revolving Loan Program.

Public Law 2011, chapter 11 was enacted as an emergency measure effective March 31, 2011.

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

LD 584 An Act To Appropriate Funds for the Maine Downtown Center

PUBLIC 459

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MARTIN T | OTP-AM | S-348 ROSEN R S-37 |

This bill provides ongoing funding to support the statewide Main Street programs administered by the Maine Downtown Center.

Committee Amendment "A" (S-37)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-348)

This amendment eliminates the funding in fiscal year 2011-12.

Enacted Law Summary

Public Law 2011 chapter 459 provides ongoing funds to support the statewide Main Street programs administered by the Maine Downtown Center beginning in fiscal year 2012-13.

LD 613 An Act To Clarify the Definition of "Employment" in the Employment Security Law

PUBLIC 70

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DIAMOND | OTP-AM | S-35 |

This bill excludes licensed tattoo artists who operate within an establishment owned by another under a booth rental agreement or other rental agreement from the definition of "employment" for purposes of unemployment compensation law.

Committee Amendment "A" (S-35)

This amendment clarifies that in order for a tattoo artist to be excepted from the definition of "employment" in the Employment Security Law, the tattoo artist may not be subject to coverage under the Federal Unemployment Tax Act and must operate within an establishment under a rental agreement.

Enacted Law Summary

Public Law 2011, chapter 70 excludes licensed tattoo artists who operate within an establishment owned by another under a booth rental agreement or other rental agreement from the definition of "employment" for purposes of unemployment compensation law as long as the services performed by the tattoo artist are not subject to federal unemployment tax.

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LD 679 Resolve, To Leverage Federal Opportunities for Job Creation in Maine

RESOLVE 29

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PETERSON | OTP | |

This resolve directs the Department of Economic and Community Development to review federal initiatives and pending federal legislation that promote the development of new employment, particularly employment in the manufacturing sector. The department shall identify initiatives to be undertaken on a state and local level that have the potential to leverage federal funding and report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011.

Enacted Law Summary

Resolve 2011, chapter 29 directs the Department of Economic and Community Development to review federal initiatives and pending federal legislation that promote the development of new employment, particularly employment in the manufacturing sector. The department is required to identify initiatives to be undertaken on a state and local level that have the potential to leverage federal funding and report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011.

**LD 691 An Act To Establish Continuing Education Requirements for
Manufactured Housing Installers**

**LEAVE TO
WITHDRAW**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| HAMPER HASTINGS | LV/WD | |

This bill requires 10 hours of continuing education for manufactured housing installers licensed in Maine as prescribed in the rules of the Manufactured Housing Board. The bill requires that courses approved by the board must be designed to maintain and enhance the knowledge and skills of licensees related to the installation of manufactured housing.

LD 698 An Act To Bring Wage Equity to the Workplace

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| GOODE CRAVEN | ONTP | |

This bill prohibits the payment of wages to the highest paid employee that are 10 times higher than the wages paid to the lowest paid employee at the same workplace if the employer has 50 or more employees and the employer receives a state tax credit, state tax break or state funds or is a contractor for public works construction.

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LD 700 Resolve, Directing the Finance Authority of Maine To Create a Microfinance Loan Program Entitled "Believe in ME" for Entrepreneurs under 30 Years of Age ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DION | ONTP | |

This resolve directs the Finance Authority of Maine to create a microfinance loan program entitled "Believe in ME" for entrepreneurs under 30 years of age using \$1,000,000 appropriated from the General Fund as its start-up money. The Finance Authority of Maine is required to report the specifics of the loan program to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011. The committee may report out a bill to the Second Regular Session of the 125th Legislature to implement the program.

LD 751 Resolve, To Examine State Programs That Grant Funds To Improve Real Property and To Establish a Formula for Recouping Certain Funds ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HARVELL | ONTP | |

This resolve directs the Maine State Housing Authority and the Efficiency Maine Trust to examine their state programs that grant funds to improve real property and to establish a formula for recouping funds when a recipient of funds sells the real property within 10 years of receiving the funds.

LD 765 An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| DAVIS THIBODEAU | | |

This bill addresses the documented educational and rehabilitation needs of blind students and adults by funding approximately 50% of the professional staff shortage identified by both: (1) The report of the stakeholder working group established to review the current and future needs of blind or visually impaired individuals established pursuant to Resolve 2009, chapter 39; and (2) The recommendations of the Department of Education's corrective action plan work group in regard to Disability Rights Center v. Maine Department of Education dated July 28, 2010.

The bill meets the rapidly expanding need for vision rehabilitation and independent living services for adults dealing with vision loss due to both the general aging of the population and age-related eye diseases that cause vision loss.

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Committee Amendment "A" (H-130)

This amendment incorporates a fiscal note.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 767 An Act To Amend and Clarify Certain Portions of the Dental Practice PUBLIC 184
Laws

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HUNT RECTOR | OTP | |

This bill clarifies that dental practice, such as dentistry and dental hygiene, without a license, including while a license is suspended, is a strict liability crime. In addition, this bill amends the law regarding unlicensed practice by including 2 categories of licensure, denturists and dental radiographers, that were inadvertently omitted and makes other minor corrections.

Enacted Law Summary

Public Law 2011, chapter 184 clarifies that dental practice, such as dentistry and dental hygiene, without a license, including while a license is suspended, is a strict liability crime. In addition, this bill amends the law regarding unlicensed practice by including 2 categories of licensure, denturists and dental radiographers, that were inadvertently omitted and makes other minor corrections.

LD 771 An Act To Establish the St. John Valley Regional Planning Commission Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| AYOTTE JACKSON | | |

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish the St. John Valley Regional Planning Commission. Under this bill, the following Aroostook County communities would be represented on the executive board of the commission: Allagash, Caswell Plantation, Cyr Plantation, Eagle Lake, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, Portage Lake, St. Agatha, St. Francis, St. John Plantation, Stockholm, Van Buren, Wallagrass Plantation and Winterville Plantation as well as the unorganized townships in Aroostook County Commissioner District Number 3.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 784 An Act To Exempt Persons Performing Simple Electrical Repairs from
Licensing Requirements**

PUBLIC 272

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|---------------------------------------|---------------------------|
| STEVENS JACKSON | ONTP A OTP-AM B OTP-AM C | H-300 |

This bill establishes requirements for a limited license for persons who wish to do basic home repairs of electrical systems.

Committee Amendment "A" (H-300)

This amendment replaces the bill and is a minority report of the committee. This amendment exempts persons doing certain incidental electrical work from the electrician licensing requirements.

Committee Amendment "B" (H-301)

This amendment replaces the bill with a resolve and is a minority report of the committee. The amendment directs the Commissioner of Professional and Financial Regulation to convene a working group with the Electricians' Examining Board, as well as other interested parties, to review the possible benefits and safety risks in creating a limited exception to the electrician licensing requirements for incidental work performed by persons whose occupations involve miscellaneous jobs of manual labor. The amendment requires the Commissioner of Professional and Financial Regulation to submit a report no later than January 15, 2012 following the review by the working group to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to introduce a bill based on the report to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Public Law 2011, chapter 272 exempts persons doing certain incidental electrical work from the electrician licensing requirements.

**LD 788 An Act To Prohibit Forced Payment of Labor Union Dues or Fees by
Workers**

INDEF PP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WINSOR | JT RULE 309 | |

This bill guarantees workers free choice in deciding whether to join or refrain from joining labor unions. It prohibits employers from deducting fees from nonunion employees.

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LD 799 An Act To Provide Capital for Economic Development in Aroostook County ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to have the Finance Authority of Maine and the Department of Economic and Community Development work with an economic development entity from Aroostook County to identify loan or grant programs offered by the authority or the department that would provide capital for a qualified business entity to purchase and operate a wood mill and processing center in Aroostook County to benefit the logging and timber harvest industries.

LD 816 An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings PUBLIC 94

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BLODGETT | OTP | |

This bill replaces the term "inspector of buildings" with the term "building official" in 2 locations in the statutes and corrects cross-references.

Enacted Law Summary

Public Law 2011, chapter 94 replaces the term "inspector of buildings" with the term "building official" in 2 locations in the statutes and corrects cross-references.

LD 818 Resolve, To Improve the Training and Retention of Maine's Professional Direct Care and Personal Supports Workforce ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PETERSON | ONTP | |

This resolve directs the Department of Health and Human Services and the Department of Labor to develop and to provide information about professional and career development, training and related credentialing and certification to all professional direct care and personal supports workers.

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LD 841 Resolve, To Establish the Blue Ribbon Commission on Affordable Housing

RESOLVE 108

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CUSHING ALFOND | OTP-AM | H-511 S-333 COURTNEY |

This resolve establishes the Blue Ribbon Commission on Affordable Housing. The commission is directed to conduct a study of affordable housing policy, review the status of housing and make recommendations to maximize the investment of available resources and best meet the housing needs of the people of this State. The commission is required to submit a report for presentation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Committee Amendment "A" (H-511)

This amendment adds a representative of the board of trustees of the Midcoast Regional Redevelopment Authority to the membership of the Blue Ribbon Commission on Affordable Housing and specifies that the commission may not receive General Fund money but may seek outside funding to fulfill the commission's duties. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" (S-333)

This amendment removes the emergency preamble and emergency clause. The amendment also explicitly exempts this study from the requirements of Joint Rule 353.

Enacted Law Summary

Resolve 2011, chapter 108 establishes the Blue Ribbon Commission on Affordable Housing. The resolve directs the commission to conduct a study of affordable housing policy, review the status of housing and make recommendations to maximize the investment of available resources and best meet the housing needs of the people of this State. It requires the commission to seek outside funding to fulfill the commission's duties and to submit a report for presentation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by February 15, 2012.

LD 863 An Act To Allow the Maine State Housing Authority To Prepurchase Oil for the Low-income Home Energy Assistance Program

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| JACKSON MARTIN T | ONTP | |

This bill provides the Maine State Housing Authority with the authority to enable the purchase of heating oil in bulk from qualified vendors at a discount for persons who are eligible to receive assistance from the federal Low-income Home Energy Assistance Program in advance of federal funds.

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

LD 866 Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies

**MAJORITY
(ONTP) REPORT**

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

This resolve requires the Department of Professional and Financial Regulation, Bureau of Insurance to establish a workers' compensation business classification for pharmacies so that the workers' compensation insurance rate for employees of a pharmacy located within a larger retail store is identical to the workers' compensation insurance rate for employees of a stand-alone pharmacy.

LD 878 An Act To Provide a Temporary License To Operate a Public Dance Establishment

PUBLIC 333

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| MALABY MCCORMICK | OTP-AM | H-299 H-578 PRESCOTT |

This bill allows a person who obtains control of a public dancing establishment to apply for a temporary dancing license while the application for a regular dancing license is pending with the Commissioner of Public Safety, but no more than 60 days. The fee for a temporary dancing license is \$100 and the revenue from the fee would be used in the same manner as the fee for the regular dancing license fee of \$117: licensing and enforcement of public dances.

Committee Amendment "A" (H-299)

This amendment clarifies that a temporary license for a public dancing establishment would be issued only following the transfer of ownership of a building used for public dances that has an existing license.

House Amendment "A" To Committee Amendment "A" (H-578)

This amendment reduces the fee for a temporary license to operate a public dancing establishment from \$100 to \$25.

Enacted Law Summary

Public Law 2011, chapter 333 allows a person who obtains control of a public dancing establishment to apply for a temporary dancing license while the application for a regular dancing license is pending with the Commissioner of Public Safety, but no more than 60 days. It provides that the temporary license for a public dancing establishment would be issued only following the transfer of ownership of a building used for public dances that has an existing license. The law provides that the fee for a temporary dancing license is \$25 and the revenue from the fee would be used in the same manner as the fee for the regular dancing license fee.

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

LD 889 An Act To Regulate Boxing and Prizefighting in Maine

PUBLIC 305

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PETERSON MASON | OTP-AM MAJ ONTP MIN | H-451 |

This bill amends the law that creates the Mixed Martial Arts Authority of Maine to include boxing and renames the authority the Combat Sports Authority of Maine.

Committee Amendment "A" (H-451)

This amendment provides that members of the Combat Sports Authority of Maine may be compensated for per diem and expenses from revenue received by the authority in accordance with the bylaws of its board of directors. It requires that rules establishing fees, including promotion fees, are major substantive rules. It also adds a cross-reference to the disclosure and conflict-of-interest requirements of the Maine Revised Statutes, Title 5, section 18.

Enacted Law Summary

Public Law 2011, chapter 305 amends the law that creates the Mixed Martial Arts Authority of Maine to include boxing and renames the authority the Combat Sports Authority of Maine. The law provides that members of the Combat Sports Authority of Maine may be compensated for per diem and expenses from revenue received by the authority in accordance with the bylaws of its board of directors. It also provides that rules establishing fees, including promotion fees, are major substantive rules and it adds a cross-reference to the disclosure and conflict-of-interest requirements of the Maine Revised Statutes, Title 5, section 18.

LD 893 An Act To Require an Employer To Provide Notification Regarding the Employer's Personal Leave Policy to Employees

**MAJORITY
(ONTP) REPORT**

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

This bill requires that an employer provide notice to an employee regarding whether the terms of employment include provisions for paid personal leave and whether upon cessation of employment accrued personal leave has the same status as wages earned. The notification may be accomplished by including in an employee handbook the policy on personal leave or by posting the policy on personal leave in a conspicuous common area in the place of employment.

Committee Amendment "A" (S-48)

This amendment is the minority report and strikes the bill. It requires employers who have a paid vacation or earned paid time off policy to provide employees with written notice describing how the time is earned and accumulated and whether the time will be paid upon termination of employment. The amendment describes four acceptable notification procedures and defines "earned paid time off." This amendment was not adopted.

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

**LD 915 An Act To Clarify the Exemption of Lineworkers from Maine
Electrician Licensing Laws**

**PUBLIC 290
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FITTS | OTP-AM | H-395 |

This bill clarifies that lineworkers of public utilities and electric generators, including contractors working on their behalf, are exempt from the electrician licensing laws.

Committee Amendment "A" (H-395)

This amendment makes the following changes to the bill:

1. It strikes the generator exception in the bill and replaces it with an exception for electrical work on aboveground electric lines of one kilovolt or more;
2. It removes the references to "generator" in the exception for contractors in the bill; and
3. It repeals the definition of "public service corporation" since it is no longer used in the Maine Revised Statutes, Title 32.

Enacted Law Summary

Public Law 2011, chapter 290 provides that lineworkers of public utilities, including contractors working on their behalf, are exempt from the electrician licensing laws, and provides an exception to the electrician licensing laws for electrical work on aboveground electric lines of one kilovolt or more. The law also repeals the definition of "public service corporation" since it is no longer used in the Maine Revised Statutes, Title 32.

Public Law 2011, chapter 290 was enacted as an emergency measure effective June 10, 2011.

**LD 928 An Act To Repeal the Requirement That Electrical Companies Be
Licensed**

PUBLIC 406

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCKANE RECTOR | OTP | |

This bill repeals the requirement that electrical companies be separately licensed by the State. This bill does not affect the existing laws governing the licensing of individual electricians.

Enacted Law Summary

Public Law 2011, chapter 406 repeals the requirement that electrical companies be separately licensed by the State.

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

LD 937 An Act To Increase Access to Dental Care in Rural Areas

**LEAVE TO
WITHDRAW**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCKANE THOMAS | LTW | |

This bill establishes a limited practice dental hygienist license that allows a person to provide nontherapeutic, limited preventative care. Qualifications for this license may be met through any course of study approved by the American Dental Association Commission on Dental Accreditation or its successor organization that allows distance learning with instruction from qualified practitioners, includes nontraditional clinical instruction and clinical training as a dental assistant with a licensed dentist and involves a number of credit hours equivalent to a 2-year full-time program.

LD 947 An Act To Encourage Professionals To Move to the State

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MASON | ONTP | |

This bill requires that a professional license from another jurisdiction be accepted by the State upon application by the licensee if the license is active and the licensee is in good standing and upon payment of the initial license fee in this State for that profession. The license may be denied only upon a showing that acceptance of the license would be detrimental to the health, safety or welfare of the public in the State. A denial of acceptance of a license from another jurisdiction is subject to a hearing under the Maine Administrative Procedure Act.

LD 955 An Act To Establish the Dental Adjudicatory Panel

Carried Over

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

This bill establishes the Dental Adjudicatory Panel for the purpose of conducting adjudicatory hearings for the Board of Dental Examiners. These adjudicatory hearings must utilize the Maine Rules of Evidence. Members of the panel may not be members of the Board of Dental Examiners.

The bill also makes a change in the process by which the Board of Dental Examiners files a complaint in the District Court to suspend or revoke a license. Before filing such a complaint, the board shall notify the licensee of reasons for the suspension or revocation and provide the licensee with an opportunity for an informal conference with the members of the board.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 957 Resolve, Directing the Plumbers' Examining Board To Amend Its Rules LEAVE TO
Governing Installation Standards WITHDRAW**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FLOOD | LV/WD | |

This resolve directs the Department of Professional and Financial Regulation, Plumbers' Examining Board to amend its rules governing plumbing installation standards to provide that drainage and vent pipes, including plastic pipes, may be tested with air.

**LD 972 An Act To Provide Administrative Support to the Citizen Trade Policy HELD BY
Commission GOVERNOR**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| ROTUNDO JACKSON | OTP-AM | H-249 S-353 ROSEN R |

This bill provides General Fund appropriations to the Legislature of \$12,000 annually for administrative support for the Citizen Trade Policy Commission.

Committee Amendment "A" (H-249)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-353)

This amendment removes the appropriation in fiscal year 2011-12.

Enacted Law Summary

This bill was enacted but as of this printing, had not been acted upon by the Governor and, pursuant to Art. IV, Part 3rd, Sec. 2 of the Maine Constitution, currently has no final disposition. The enacted bill provides \$12,000 in funding for administrative support for the Citizen Trade Policy Commission for fiscal year 2012-13.

**LD 994 An Act To Promote Responsible Business Practices through a Livable ONTP
Wage**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| CHIPMAN PATRICK | ONTP | |

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This bill requires businesses, in order to receive tax credits, tax reimbursement or tax forgiveness from the State, to pay their employees a livable wage.

LD 995 An Act To Require Dental Professionals To Provide Education to the Public on Oral Hygiene ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CLARK H | ONTP | |

This bill requires dentists, certain dental assistants, dental hygienists and denturists to provide each year, as a condition of relicensing or recertification, at least 6 hours of free public education on good oral hygiene. The Department of Professional and Financial Regulation, Board of Dental Examiners is required to adopt rules governing this requirement.

LD 998 Resolve, Directing the Finance Authority of Maine To Develop a Business Development Loan Program for Legal Immigrants ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CHIPMAN | ONTP | |

This resolve directs the Finance Authority of Maine to create a business development loan program for legal immigrants. The Finance Authority of Maine will report the specifics of the program to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011. The Joint Standing Committee on Labor, Commerce, Research and Economic Development may report out a bill to the Second Regular Session of the 125th Legislature to implement the program.

LD 1004 An Act To Clarify Training Requirements for Funeral Service Providers ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DAVIS | ONTP | |

This bill allows a person licensed for the practice of funeral service by the Department of Professional and Financial Regulation who is required to meet annual training requirements to fulfill those requirements by completing training no more than 30 days prior to the beginning of the licensing year for which that training is required. The person must continue to complete annual training.

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LD 1007 An Act To Amend the Laws Governing Comprehensive Planning To Encourage the Development of Affordable Housing INDEF PP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| MOULTON SULLIVAN | OTP-AM | H-320 |

This bill provides additional details of the process for municipalities or multimunicipal regions with regard to development of affordable housing as part of a comprehensive plan.

Committee Amendment "A" (H-320)

This amendment replaces the bill. It amends the statute governing land use regulation that allows a municipality to enact an ordinance to require the construction of off-site capital improvements or payment of impact fees instead of capital improvements, including the construction, expansion or replacement of infrastructure facilities, by adding affordable housing to the list of infrastructure facilities.

LD 1026 An Act To Regulate the Distribution of Feature Motion Pictures in the State ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FARNHAM | ONTP | |

This bill establishes fair business practices for the licensing and distribution of feature motion pictures in the State to ensure timely public access to artistic expression and opinion in feature motion pictures at reasonable prices and in reasonable locations, to regulate unfair practices and to promote competition in the licensing and distribution of feature motion pictures.

This bill provides requirements for motion picture exhibitors and distributors that are intended to allow independently owned movie theaters to compete with larger theaters and circuits in the State. It is intended to promote the expansion and new construction of motion picture theaters throughout the State, thereby encouraging employment and economic development.

LD 1050 An Act To Encourage the Promotion of Outdoor Recreational Activities ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DAVIS MASON | ONTP | |

This bill provides that 25% of the Tourism Marketing Promotion Fund within the Department of Economic and Community Development, Office of Tourism must be used for the promotion of noncommercial, outdoor natural resources-based activities. It requires that 85% of the 25% go to promote outdoor activities under the jurisdiction of the Department of Inland Fisheries and Wildlife and that the remaining 15% go to promote outdoor nonconsumptive activities such as cross-country skiing, kayaking, hiking and wildlife watching.

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of an employee is limited to performing 12 independent medical examinations in a calendar year.

Enacted Law Summary

Public Law 2011, chapter 215 specifies that health care providers who examine injured workers at the request of an employer in accordance with the Maine Revised Statutes, Title 39-A, section 207 are limited to 12 independent medical examinations per calendar year. It adds the requirement that independent medical examiners be certified in the field of practice of the injury by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association. It clarifies that an independent medical examiner may not be assigned to an injured worker if the independent medical examiner has previously examined the worker or has been closely affiliated with the insurance company at any time during the preceding 52 weeks unless there is no other physician reasonably available. It requires that an independent medical examiner that examines an injured worker at the request of the employer in accordance with Title 39-A, section 207 notify the Workers' Compensation Board of the name of the employee, the employer or the insurer that requested the examination and the date of the examination within 10 days of the date of the examination. Public Law 2011, chapter 215 also requires that the board submit a report that includes findings and recommendations by January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters regarding the board's review of the selection process of independent medical examiners and the number of independent medical examiners who have examined injured workers at the request of employers or insurers. The joint standing committee is authorized to introduce a bill related to the board's report to the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 215 was enacted as an emergency measure effective June 3, 2011.

LD 1057 An Act To Increase the Transparency of the Unemployment Compensation Fund

PUBLIC 212

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| CUSHING PLOWMAN | OTP-AM | H-286 |

This bill requires a vote of two-thirds of the members of the Senate present and voting for an increase in the unemployment contribution rate that is scheduled to go into effect within five years of the effective date of the increase.

Committee Amendment "A" (H-286)

This amendment strikes and replaces the bill. The amendment directs the Commissioner of Labor to annually publish data on the content and usage of the Unemployment Compensation Fund. The commissioner must separately disclose, for not less than five years after enactment, legislative changes affecting the content or usage of the Unemployment Compensation Fund and the impact of those changes. This amendment also requires the Department of Labor, Bureau of Labor Standards to project the impact of proposed benefit changes on employer's experience classifications.

Enacted Law Summary

Public Law 2011, chapter 212 directs the Commissioner of Labor to annually publish data on the content and usage of the Unemployment Compensation Fund. The commissioner must separately disclose, for not less than five years after enactment, legislative changes affecting the content or usage of the Unemployment Compensation Fund and the impact of those changes. It also requires the Department of Labor, Bureau of Labor Standards to project the impact of proposed benefit changes on employer's experience classifications.

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LD 1065 An Act To Amend the Laws Governing the Determination of Permanent Impairment under the Maine Workers' Compensation Act of 1992 ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| PRESCOTT SHERMAN | ONTP | |

This bill amends the law governing the determination of permanent impairment for workers' compensation purposes as follows:

1. It specifies that the schedule adopted by the Workers' Compensation Board for determining the existence and degree of permanent impairment based upon medically or scientifically demonstrable findings must be based on the American Medical Association's "Guides to the Evaluation of Permanent Impairment," 4th edition;
2. It requires that a determination of permanent impairment of the spine must be based on a medical opinion formulated using the "diagnosis related estimate" model and may not be based on a medical opinion formulated using the "range of motion" model;
3. It specifies that a determination of permanent impairment may not include an assessment of permanent impairment based on behavioral, emotional or psychiatric conditions; and
4. It requires that the medical findings of the independent medical examiner regarding the extent of permanent impairment must be adopted by the board.

LD 1069 An Act To Promote Visual and Digital Media Productions, Tourism and Job Creation in the State PUBLIC 372

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| VALENTINO | OTP-AM | H-517 |

This bill establishes the Tourism and Industry Collaborative Film Grant Program within the Department of Economic and Community Development, Office of Tourism to promote Maine tourism and industry and assist in job creation through grants for feature film projects that promote Maine's natural resources and industries. The program will provide grants from the Tourism and Industry Collaborative Film Grants Fund of up to \$500,000 for eligible feature film projects, not to exceed 40% of the feature film's production budget, to be paid upon the feature film's completion. The bill provides that money in the fund may be distributed to eligible feature film projects initially as a loan during preproduction and production of the feature film. The bill requires that, in order to receive grant funds upon completion, the feature film project must demonstrate to the satisfaction of the Office of Tourism that the feature film has a production budget over \$250,000, features at least one primary Maine industry, tells a story that is set in Maine for at least 75% of the film and features outdoor locations in Maine for at least 25% of the film. The feature film project must also have filmed on location in Maine for at least 75% of the film. The bill requires a feature film project to provide film footage for state tourism promotion activities.

Committee Amendment "A" (H-517)

This amendment replaces the bill. It establishes the Visual and Digital Media Loan Program within the Department of Economic and Community Development to promote tourism and job creation through loans to the producers of

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visual and digital media projects and productions. The Visual and Digital Media Loan Fund is established to provide loans for eligible digital media projects or visual media productions of up to \$500,000 per eligible project or production, not to exceed 20% of its proposed preproduction and production budget. It establishes a loan forgiveness process for borrowers if they demonstrate to the satisfaction of the Commissioner of Economic and Community Development that the following criteria have been met upon completion of the project or production:

1. The project or production has a total preproduction, production and postproduction budget that is above \$100,000;
2. Seventy-five percent of the project or production has been filmed in the State;
3. A marketing plan includes promotion and acknowledgment of the project's or production's filming in the State;
4. A signed agreement provides the department with access to a film trailer and all b-roll footage, provided free of charge to the State for tourism promotion activities; and
5. A signed agreement provides that the project or production will not be the basis for an income tax credit or tax reimbursement for visual media productions.

It authorizes the commissioner to contract with the Finance Authority of Maine to administer the fund for the program. It also provides that the program is repealed December 31, 2015.

It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 372 establishes the Visual and Digital Media Loan Program within the Department of Economic and Community Development to promote tourism and job creation through loans to the producers of visual and digital media projects and productions. The Visual and Digital Media Loan Fund is established to provide loans for eligible digital media projects or visual media productions of up to \$500,000 per eligible project or production, not to exceed 20% of its proposed preproduction and production budget. The law establishes a loan forgiveness process for borrowers if they demonstrate to the satisfaction of the Commissioner of Economic and Community Development that the following criteria have been met upon completion of the project or production:

1. The project or production has a total preproduction, production and postproduction budget that is above \$100,000;
2. Seventy-five percent of the project or production has been filmed in the State;
3. A marketing plan includes promotion and acknowledgment of the project's or production's filming in the State;
4. A signed agreement provides the department with access to a film trailer and all b-roll footage, provided free of charge to the State for tourism promotion activities; and
5. A signed agreement provides that the project or production will not be the basis for an income tax credit or tax reimbursement for visual media productions.

The law also authorizes the commissioner to contract with the Finance Authority of Maine to administer the fund for the program. It provides that the program is repealed December 31, 2015.

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LD 1078 An Act To Amend the Audit and Enforcement Functions of the Workers' Compensation Board

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| CUSHING COURTNEY | ONTP | |

This bill amends the audit and enforcement functions of the Workers' Compensation Board.

1. It eliminates the duty of the board to monitor the claims handling practices of insurers, self-insurers, the Maine Insurance Guaranty Association and third-party administrators and eliminates the monitoring program.
2. It requires that, in order for the board to audit an insurer, self-insurer, the Maine Insurance Guaranty Association or a third-party administrator, the board have probable cause to believe that an insurer, self-insurer, the Maine Insurance Guaranty Association or a third-party administrator has not met an obligation under the Maine Workers' Compensation Act of 1992.
3. It eliminates the board's authority to assess penalties on employers, insurers or third-party administrators that engage in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims.

LD 1099 An Act Concerning Independent Contractors in the Trucking and Messenger Courier Industries

PUBLIC 176

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| THOMAS | OTP-AM MAJ ONTP MIN | S-102 |

This bill establishes a set of factors to determine whether an individual engaged in the business of freight transportation or courier and messenger services is an employee or an independent contractor for purposes of the workers' compensation laws.

Committee Amendment "A" (S-102)

This amendment strikes the bill and allows a person engaged in freight transportation or courier and messenger services to be considered an independent contractor either by meeting all of the factors for determining independent contractor status described in the bill or by being able to provide proof of coverage under a workers' compensation policy. This amendment changes one of the factors to require that there be a statement signed by both the person providing the services and the hiring entity that the person meets all of the requirements for being an independent contractor and is considered an independent contractor. Finally, this amendment provides for the repeal of these provisions on October 1, 2013.

Enacted Law Summary

Public Law 2011, chapter 176 allows a person engaged in freight transportation or courier and messenger services to be considered an independent contractor either by meeting all of the factors for determining independent contractor status or by being able to provide proof of coverage under a workers' compensation policy. It provides for the repeal of these provisions on October 1, 2013.

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LD 1117 Resolve, To Require the Commissioner of Labor To Convene a Stakeholder Group To Determine the Most Appropriate Amount of Time an Employer May Employ an Employee without Being Subject to Unemployment Compensation Requirements RESOLVE 85

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|--------------------------|---------------------------|
| FREDETTE | OTP-AM MAJ OTP-AM MIN | H-271 |

This bill changes from five weeks to eight weeks the amount of time an employer may employ an employee without being charged for unemployment benefits.

Committee Amendment "A" (H-271)

This amendment, which is the majority report of the committee, strikes and replaces the bill, makes the bill a resolve and directs the Commissioner of Labor to establish a stakeholder group to determine the most appropriate amount of time an employer may employ an employee without the employer being subject to unemployment compensation requirements.

Committee Amendment "B" (H-272)

This amendment, which is the minority report, changes from eight weeks to seven weeks the amount of time an employer may employ an employee without the employer being charged for unemployment benefits. This amendment was not adopted.

Enacted Law Summary

Resolve 2011, chapter 85 directs the Commissioner of Labor to establish a stakeholder group to determine the most appropriate amount of time an employer may employ an employee without the employer being subject to unemployment compensation requirements.

LD 1127 An Act To Amend the Authority of the Washington County Development Authority PUBLIC 136 EMERGENCY

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PARKER RAYE | OTP | |

This bill grants to the Washington County Development Authority the same authority given to the Midcoast Regional Redevelopment Authority to borrow money and issue bonds.

Enacted Law Summary

Public Law 2011, chapter 136 grants to the Washington County Development Authority the authority to borrow money and issue bonds.

Public Law 2011, chapter 136 was enacted as an emergency measure effective May 25, 2011.

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LD 1238 Resolve, Authorizing the Bureau of Unemployment Compensation To Study Establishment of a Voluntary Workplace Training Program RESOLVE 84

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| BICKFORD THOMAS | OTP-AM | H-351 |

This bill creates the Maine Back to Work Program to provide workplace training to certain eligible unemployment insurance beneficiaries. The bill establishes the program within the Department of Labor, Bureau of Unemployment Compensation to allow an eligible participant who is receiving unemployment insurance benefits pursuant to the Employment Security Law to receive workplace training from an eligible employer.

The department is directed to solicit input from the Georgia Department of Labor regarding the design and implementation of the program. The bill also directs the department to consult and abide by the program guidance and parameters, as necessary, set forth in the federal Training and Employment Guidance Letter No. 12-09, dated January 29, 2010, or any subsequent program guidance relevant to the program, issued by the United States Department of Labor, Employment and Training Administration.

The bill stipulates that the program must be consistent with, and eligible participants afforded the protections provided by, all applicable antidiscrimination statutes.

The bill makes it clear that persons receiving unemployment benefits continue to receive those benefits while participating in the program.

Committee Amendment "A" (H-351)

This amendment replaces the bill, makes it a resolve and directs the Director of the Bureau of Unemployment Compensation within the Department of Labor to determine the most cost-effective proposal for establishing a voluntary workplace training program. The director is directed to report the results of the study along with any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, which is authorized to submit a bill to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 84 directs the Director of the Bureau of Unemployment Compensation within the Department of Labor to determine the most cost-effective proposal for establishing a voluntary workplace training program. The director is directed to report the results of the study along with any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, which is authorized to submit a bill to the Second Regular Session of the 125th Legislature.

LD 1241 An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws PUBLIC 196

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| BICKFORD ROSEN R | OTP-AM | H-287 |

This bill removes the requirement that an employer must provide an opportunity to participate in a substance abuse rehabilitation program to an employee after the employee has received a confirmed positive result on a substance

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abuse test. The bill also requires that an employer that requires, requests or suggests that employees submit to substance abuse testing on a random or arbitrary basis must also require, request or suggest that supervisory personnel submit to a substance abuse test on a random or arbitrary basis and similarly submit to substance abuse testing on a random or arbitrary basis.

The bill also allows an employer to require, request or suggest an employee submit to substance abuse testing if the employee causes a work-related accident that results in property damage, personal injury or loss of life or a citation or summons being issued to the employee by a law enforcement officer. The bill also removes the provision stating that it is the intent of the Legislature to narrowly construe the requirement concerning random testing of an employee who works in a position where being under the influence of a substance of abuse would place the health and safety of the public or coworkers under unreasonable threat.

Committee Amendment "A" (H-287)

This amendment replaces the bill. It allows an employer subject to a federally mandated substance abuse testing program to extend its United States Department of Transportation mandated program to its entire workforce and its independent contractors. It allows such employers to have the same substance abuse policy for all employees and independent contractors. The amendment directs the Department of Labor, Bureau of Labor Standards to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2012 with recommendations on simplifying and streamlining the labor laws dealing with substance abuse testing. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Public Law 2011, chapter 196 allows an employer subject to a federally mandated substance abuse testing program to extend its United States Department of Transportation mandated program to its entire workforce and its independent contractors. It allows such employers to have the same substance abuse policy for all employees and independent contractors. Public Law 2011, chapter 196 directs the Department of Labor, Bureau of Labor Standards to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2012 with recommendations on simplifying and streamlining the labor laws dealing with substance abuse testing. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 125th Legislature.

LD 1244 An Act Regarding Payment of Medical Fees in the Workers' Compensation System

PUBLIC 338

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| GOODALL | OTP-AM | S-250 |

This bill defines "usual and customary charge" regarding payment of a health care service under the workers' compensation laws as the average charge for that health care service for the two preceding calendar quarters. For purposes of calculating the average charge, the charge of each individual rendering of a specific health care service is calculated as the sum of all reimbursements from a private, third-party payor and all payments from the patient.

Committee Amendment "A" (S-250)

The amendment replaces the bill. It directs the Workers' Compensation Board to adopt rules to establish a medical fee schedule for services provided under the Maine Workers' Compensation Act of 1992 by individual health care practitioners and health care facilities based upon the Medicare payment methodologies that are the basis for most health care payment systems today. The amendment removes any reference in existing workers' compensation law to "usual and customary charge." The amendment requires an annual update of the medical billing and coding

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systems underlying the medical fee schedule and requires a more comprehensive review of the medical fee schedule every three years beginning in 2014. It directs the executive director of the Workers' Compensation Board to obtain annually from the Maine Health Data Organization the private third-party average payment rates across all private payors and all providers in the Maine Health Data Organization's database for the most common medical services rendered under the Maine Workers' Compensation Act of 1992 during the previous year. The amendment requires the Workers' Compensation Board to complete its current medical fee rulemaking by December 31, 2011 and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development regarding the status of the medical fee schedule not later than February 15, 2012.

Enacted Law Summary

Public Law 2011, chapter 338 directs the Workers' Compensation Board to adopt rules to establish a medical fee schedule for services provided under the Maine Workers' Compensation Act of 1992 by individual health care practitioners and health care facilities based upon the Medicare payment methodologies that are the basis for most health care payment systems today. It removes any reference in existing workers' compensation law to "usual and customary charge." Public Law 2011, chapter 338 requires an annual update of the medical billing and coding systems underlying the medical fee schedule and requires a more comprehensive review of the medical fee schedule every three years beginning in 2014. It directs the executive director of the Workers' Compensation Board to obtain annually from the Maine Health Data Organization the private third-party average payment rates across all private payors and all providers in the Maine Health Data Organization's database for the most common medical services rendered under the Maine Workers' Compensation Act of 1992 during the previous year. It also requires the Workers' Compensation Board to complete its current medical fee rulemaking by December 31, 2011 and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development regarding the status of the medical fee schedule not later than February 15, 2012.

LD 1253 An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes

**PUBLIC 365
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SAVIELLO | OTP-AM | S-210 |

This bill makes several changes to the laws governing the adoption, enforcement and implementation of the Maine Uniform Building and Energy Code. It allows a municipality to adopt Appendix G of the 2009 International Residential Code, or "IRC," which contains the safety fencing standards for swimming pools. It removes an archaic and vague requirement that inspections for the purpose of issuing an occupancy permit be conducted to ensure that a building is "safe from fire." The bill also expressly authorizes a municipality to review the work of a 3rd-party inspector for accuracy. The bill clarifies that appeals may be taken to either the municipal officers or a local board of appeals and that municipal employees may not take enforcement action without authorization by the employing municipality.

The bill amends the law to allow a building official to serve as a 3rd-party inspector as long as the building official is providing that service outside of the official's geographic jurisdiction as a building official. The bill directs the Department of Public Safety, Technical Building Codes and Standards Board to determine where in Maine and under what circumstances the radon and internal air quality building codes should be applied.

Committee Amendment "A" (S-210)

This amendment makes the following changes to the bill:

1. It adds an emergency preamble and emergency clause;

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2. It amends the exceptions to the Maine Uniform Building and Energy Code to include crop storage buildings;
3. It amends the laws governing the Maine Uniform Building and Energy Code to provide that the requirements of the 2009 edition of the International Energy Conservation Code within the Maine Uniform Building and Energy Code do not apply to seasonally restricted cottages, but only until June 15, 2012;
4. It requires the Department of Public Safety, Technical Building Codes and Standards Board to adopt the 2006 International Energy Conservation Code standards within the Maine Uniform Building and Energy Code for residential basement wall insulation;
5. It clarifies that a certificate of occupancy demonstrating compliance with the Maine Uniform Building and Energy Code is required only of buildings located in municipalities with more than 2,000 inhabitants in accordance with the required enforcement and inspection options; and
6. It removes the provision of the bill that requires the Technical Building Codes and Standards Board to determine where and under what circumstances the radon and internal air quality building codes should be applied.

Enacted Law Summary

Public Law 2011, chapter 365 makes the following changes to the laws governing the Maine Uniform Building and Energy Code:

1. It allows a municipality to adopt Appendix G of the 2009 International Residential Code, or "IRC," which contains the safety fencing standards for swimming pools;
2. It amends the exceptions to the Maine Uniform Building and Energy Code to include warehouses or silos used to store harvested crops;
3. It amends the laws governing the Maine Uniform Building and Energy Code to provide that the requirements of the 2009 edition of the International Energy Conservation Code within the Maine Uniform Building and Energy Code do not apply to seasonally restricted cottages, but only until June 15, 2012;
4. It requires the Department of Public Safety, Technical Building Codes and Standards Board to adopt the 2006 International Energy Conservation Code standards within the Maine Uniform Building and Energy Code for residential basement wall insulation;
5. It clarifies that a certificate of occupancy demonstrating compliance with the Maine Uniform Building and Energy Code is required only of buildings located in municipalities with more than 2,000 inhabitants in accordance with the required enforcement and inspection options;
6. It removes an archaic and vague requirement that inspections for the purpose of issuing an occupancy permit be conducted to ensure that a building is "safe from fire."
7. It clarifies that appeals may be taken to either the municipal officers or a local board of appeals and that municipal employees may not take enforcement action without authorization by the employing municipality.
8. It allows a building official to serve as a 3rd-party inspector as long as the building official is providing that service outside of the official's geographic jurisdiction as a building official.

Public Law 2011, chapter 365 was enacted as an emergency measure effective June 16, 2011.

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LD 1268 An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits

PUBLIC 361

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SAVIELLO | ONTP MAJ OTP-AM MIN | S-124 |

Current law authorizes an employer or insurer to recover from an employee overpayments made pending an appeal to the Law Court. This bill extends that authorization to allow an insurer or employer to recover overpayments made to an employee pending a motion for findings of fact and conclusions of law filed with the hearing officer.

Committee Amendment "A" (S-124)

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

Enacted Law Summary

Public Law 2011, chapter 361 extends the authorization of an employer or insurer to recover overpayments made to an employee pending an appeal to the Law Court to include authorization pending a motion for findings of fact and conclusions of law filed with a hearing officer.

LD 1285 An Act To Amend the Assessment Process and Funding of the Maine Workers' Compensation Board

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PRESCOTT | ONTP | |

This bill amends the laws governing the Workers' Compensation Board as follows.

1. Under current law, the Workers' Compensation Board determines an assessment to be levied on insurers that write workers' compensation insurance in the State for deposit in a dedicated fund to support and maintain the Workers' Compensation Board. This bill instead directs that the Superintendent of Insurance determine the assessment and that the funds be credited to the General Fund.
2. It limits the assessments levied to \$10,000,000 in any fiscal year.
3. It directs the Workers' Compensation Board to submit its proposed budget to the Commissioner of Administrative and Financial Services for inclusion in the General Fund appropriation bill provided for in the Maine Revised Statutes, Title 5, section 1581.

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LD 1288 An Act To Amend the Pine Tree Development Zone Laws Regarding Average Weekly Wages ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the Pine Tree Development Zone program to allow a business that meets all the requirements for classification as a qualified Pine Tree Development Zone business but the requirement that employees' wages be at least equal to the labor market average weekly wage to be designated as a qualified Pine Tree Development Zone business and thus eligible for benefits under that program.

LD 1314 An Act To Standardize the Definition of "Independent Contractor" Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TILTON PLOWMAN | | |

This bill standardizes the definition of "independent contractor" for employment security law and workers' compensation law. It considers who directs or controls the means and manner of providing the contracted services; who furnishes the tools and equipment necessary to provide the services; whether the business is considered inseparable from the individual for purposes of taxes, profits and liabilities; who exercises control over the management and operations of the business; and who exercises the right and opportunity to perform the services of the business for multiple entities.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1342 An Act To Amend the Washington County Development Authority PUBLIC 148

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TILTON RAYE | OTP | |

This bill allows the Washington County Development Authority to enter into a memorandum of understanding with a municipality to perform the function of a local development corporation.

Enacted Law Summary

Public Law 2011, chapter 148 allows the Washington County Development Authority to enter into a memorandum of understanding with a municipality to perform the function of a local development corporation.

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LD 1346 An Act To Enhance Access to the Workplace for Minors

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BURNS DC MASON | ONTP | |

This bill amends the laws governing employment practices in the following ways:

1. It establishes a training wage for trainees or secondary students under 20 years of age at \$5.25 per hour for their first 180 days of employment;
2. It eliminates the maximum number of hours a minor 16 years of age or older can work during school days;
3. It allows a minor under 16 years of age to work up to four hours on a school day during hours when school is not in session;
4. It allows a home-schooled student to work during regular public school hours, but not during regularly scheduled home school hours;
5. It exempts a minor under 16 years of age who is enrolled in school from the maximum hour requirements to work in an agricultural setting as long as the minor has written permission from the minor's parent or guardian; and
6. It allows a parent or guardian of a minor who is home schooled to sign a work permit instead of the superintendent of the school administrative unit where the home-schooled minor lives.

LD 1368 An Act To Adjust Payroll Processor License Fees

PUBLIC 308

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| CURTIS WHITTEMORE | OTP-AM | H-394 |

This bill amends the payroll processor licensing fees by setting a fee of \$100 for a payroll processor who does not handle money for payroll processor clients.

Committee Amendment "A" (H-394)

This amendment limits the new licensing fee category to those payroll processors whose functions consist solely of filing withholding reports on behalf of clients, but retains the bill's reduced \$100 fee for those processors. It also makes several technical changes to improve supervision and employer protections.

Enacted Law Summary

Public Law 2011, chapter 308 establishes a new licensing fee category for those payroll processors whose functions consist solely of filing withholding reports on behalf of clients. It also makes several technical changes to improve supervision and employer protections.

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LD 1378 An Act To Create a State-sponsored 401(k) Retirement Plan for ONTP
Participation by Private Employers

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WOODBURY | ONTP | |

This bill directs the Finance Authority of Maine to establish a qualified defined contribution retirement investment plan eligible for favorable tax treatment under Section 401(k) of the United States Internal Revenue Code to be made available to employers who wish to offer the plan as a retirement investment option to their employees.

LD 1383 An Act To Improve the Process by Which Logging Contractors Hire Carried Over
Legal Foreign Workers

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SAVIELLO | | |

Section 1 of the bill amends or repeals all of Title 26, section 872, “Notification regarding foreign laborers in logging occupations” except the definition of “Bond worker.” It eliminates the following:

1. The definition of “Logging equipment;”
2. The requirement of employer proof of ownership or a bona fide lease of one piece of logging equipment for every two bond workers employed in a logging occupation;
3. The penalties and enforcement for violating proof of ownership;
4. The exemption applicable for equipment in which the U.S. Department of Labor has established a prevailing wage; and
5. The cooperative assistance between the Department of Conservation and the Department of Administrative and Financial Services, and the Bureau of Revenue Services with the Department of Labor.

The bill removes from the “Notification” sub-section the requirement to notify the the Department of Labor when filing for a bond worker and providing the number of bond workers requested, the pieces of equipment that will be operated by the bond worker, and proof of ownership. It further amends the “Notification” sub-section by limiting the required notification to the Department of Labor to within 30 days of the date a bond worker begins work in the State, the bond workers’ name, and rather than the location of where the bond worker will be working, the “anticipated locations” the bond worker may work.

Section 2 of the bill amends Title 26, section 873, “Recruitment for logging occupations.” It does the following:

1. Eliminates the requirement for employers to file a copy of all federal forms and reports relating to H2 visas with the Department of Labor;

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2. Eliminates the requirement that employers be members of a recruitment clearinghouse;
3. Eliminates the financing of the recruitment clearinghouse by members of the forest products industry;
4. Makes the goals of the recruitment clearinghouse permissive for members rather than required;
5. Eliminates the staffed, toll-free telephone number used to inquire for logging employment;
6. Removes the Department of Labor's role of reviewing compliance with 20 Code of Federal Regulations, Part 655, Subpart B (Temporary Agricultural Employment of H2-A Aliens in the US)
7. Promotes matching applicants with logging employers;
8. Provides other assistance to logging employers as appropriate;
9. Modifies the skill test requirement to levels of experience with respect to the “models” of equipment to be operated, and allowing testing at the employer’s place of employment in addition to the area of intended employment, a central location, or a location within reasonable distance from the applicant’s residence;
10. Eliminates the requirement to submit a copy of the skills testing policy and procedure to the Department of Labor;
11. Makes a provision allowing landowners to terminate a contract if section 873 is violated permissive rather than required; and
12. Eliminates the subsection governing contracts between logging employers and landowners as well as the employers being on the approved list of the recruitment clearinghouse.

Section 3 of the bill repeals the Foreign Labor Certification Process Fund.

Section 4 of the bill gives an agricultural laborer who is an alien the right to collect Maine unemployment if there is an agreement between Canada and the U.S.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1391 An Act To Improve Access to Veterinary Medicine and Improve
Veterinary Care**

**PUBLIC 189
EMERGENCY**

Sponsor(s)

RAYE

Committee Report

OTP-AM

Amendments Adopted

S-123

This bill requires the State Board of Veterinary Medicine to waive the requirement that a person successfully pass an examination pertaining to the practice of veterinary medicine if the person, during the 6 years preceding the application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action relating to the practice of veterinary medicine by another state, United States territory, province of Canada or other jurisdiction.

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Committee Amendment "A" (S-123)

This amendment strikes "or other jurisdiction" from the provision in the bill that establishes the waiver of the examination requirement so that it applies to veterinarians who have, during the 6 years preceding an application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action by another state, United States territory or province of Canada only.

Enacted Law Summary

Public Law 2011, chapter 189 requires the State Board of Veterinary Medicine to waive the requirement that a person successfully pass an examination pertaining to the practice of veterinary medicine if the person, during the 6 years preceding the application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action relating to the practice of veterinary medicine by another state, United States territory or province of Canada.
Public Law 2011, chapter 189 was enacted as an emergency measure effective June 1, 2011.

LD 1420 An Act To Modify the Laws Regarding Status as an Independent Contractor

**PUBLIC 292
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| THIBODEAU | OTP-AM | S-150 S-191 RECTOR |

This bill defines services provided by an individual to be employment subject to the unemployment compensation laws unless the individual is free from control or direction in performing the services and either:

1. The service is outside the usual course of business or is performed outside of the place of business; or
2. The individual is engaged in an independently established trade or occupation.

Committee Amendment "A" (S-150)

This amendment adds an emergency preamble and clause to the bill and creates a stakeholder group of interested parties to develop an employment test that can be used across all occupations and in the administration of unemployment compensation law, workers' compensation law and labor standards programs. This amendment also repeals, effective December 31, 2012, the presumption that services performed by an individual for remuneration are considered employment unless certain conditions are met.

Senate Amendment "A" To Committee Amendment "A" (S-191)

This amendment adds the Associated General Contractors of Maine to the list of participants in the stakeholder group convened by the Commissioner of Labor.

Enacted Law Summary

Public Law 2011, chapter 292 defines services provided by an individual to be employment subject to the unemployment compensation laws unless the individual is free from control or direction in performing the services and either:
1. The service is outside the usual course of business or is performed outside of the place of business; or

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2. The individual is engaged in an independently established trade or occupation.

Public Law 2011, chapter 292 creates a stakeholder group of interested parties to develop an employment test that can be used across all occupations and in the administration of unemployment compensation law, workers' compensation law and labor standards programs. The presumption that services performed by an individual for remuneration are considered employment unless certain conditions are met is repealed on December 31, 2012.

Public Law 2011, chapter 292 was enacted as an emergency measure effective June 10, 2011.

LD 1428 An Act To Amend the Laws Governing Self-service Storage in the State

PUBLIC 376

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| COURTNEY | OTP-AM | S-248 |

This bill amends the Maine Self-service Storage Act. It:

1. Defines abandoned leased space, electronic mail and verified mail;
2. Adds all-terrain vehicles, off-road vehicles and recreational vehicles to the definition of "personal property";
3. Sets the date that a lien attaches to the property within a leased storage space as the date the occupant leases the space;
4. Clarifies what happens to property with a value of \$750 or more and less than \$750, and if the property is a motor vehicle, it clarifies that the operator of the leased space may have the motor vehicle towed with no liability to any party;
5. Clarifies how a notice must be sent;
6. Repeals the requirement that a notice of sale must be published;
7. Indicates that an operator of a self-storage facility must hold a balance from proceeds of a sale for 90 days from the date of the sale and that if the balance is not claimed after 90 days, the balance becomes the property of the operator;
8. In the case of a rental agreement, sets a maximum amount for a claim by an occupant to be the value that was set as the maximum value of the stored property in the rental agreement; and
9. Gives the operator the right to immediately take possession of the leased space and dispose of the property if the occupant abandons the leased space.

Committee Amendment "A" (S-248)

This amendment removes language that would have given the operator of a self-storage facility the right to take possession of abandoned leased space without any duty of accounting or any liability to any party. This amendment also makes a number of grammatical and technical changes to the bill.

Enacted Law Summary

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Public Law 2011, chapter 376 amends the Maine Self-service Storage Act. It:

1. Defines abandoned leased space, electronic mail and verified mail;
2. Adds all-terrain vehicles, off-road vehicles and recreational vehicles to the definition of "personal property";
3. Sets the date that a lien attaches to the property within a leased storage space as the date the occupant leases the space;
4. Clarifies what happens to property with a value of \$750 or more and less than \$750, and if the property is a motor vehicle, it clarifies that the operator of the leased space may have the motor vehicle towed;
5. Clarifies how a notice must be sent;
6. Repeals the requirement that a notice of sale must be published;
7. Indicates that an operator of a self-storage facility must hold a balance from proceeds of a sale for 90 days from the date of the sale and that if the balance is not claimed after 90 days, the balance becomes the property of the operator;
8. In the case of a rental agreement, sets a maximum amount for a claim by an occupant to be the value that was set as the maximum value of the stored property in the rental agreement; and
9. Gives the operator the right to immediately take possession of the leased space and dispose of the property if the occupant abandons the leased space.

LD 1432 An Act To Expand Apprenticeship Programs and Scholarship Programs with Funding from Identification of Ineffective Economic Development Tax Incentives ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| STUCKEY ALFOND | ONTP | |

This bill requires the Maine Jobs Council, through the Standing Committee on Apprenticeship, to establish apprenticeships in high-wage, high-demand occupations and requires the Department of Labor to increase the availability of apprenticeship programs and competitive skills scholarships for students in apprenticeship programs. The bill also requires the Maine Community College System to expand training programs for high-demand allied health care occupations. The Commissioner of Administrative and Financial Services is directed to contract with the University of Maine System to evaluate tax expenditures identified as economic development incentives for effectiveness and to identify up to \$10,000,000 in revenue savings to fund the expansions in apprenticeships and scholarships.

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LD 1437 An Act To Implement Recommendations on Reinventing Government

Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WOODBURY | | |

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a process by which more profound changes in governance and public policy in Maine can be advanced and implemented. It is intended to accomplish the more fundamental system reforms that elude the traditional legislative process. It proposes a review of work produced over the past 5 years and more by numerous study groups that have convened to assess Maine's policy environment, government systems and public sector costs, with the objective of creating a more prosperous Maine economy. The reports that have emerged from these efforts have been widely praised and overlap substantially in their recommendations, yet the pathways from concept to implementation have been often elusive and ineffective. In the mainstream legislative process, it is too easy for the aggregated influence of more narrowly defined interests to impede the advancement of broader societal aims.

Among the more comprehensive studies and reports produced in recent years are the Brookings Institution report, *Charting Maine's Future*; *Time for Change*, the Final Report of the Joint Select Committee on Future Maine Prosperity; *Measures of Growth in Focus 2011* by the Maine Economic Growth Council; the 2-part series on *Making Maine Work* by the Maine Development Foundation and Maine State Chamber of Commerce; and *Reinventing Maine Government* by *Envision Maine*. Other organizations and policy experts that have advanced concepts for large-scale policy reform are associated with the Margaret Chase Smith Policy Center at the University of Maine, the Muskie School of Public Service at the University of Southern Maine, the Maine Heritage Policy Center, the Maine Center for Economic Policy, the Alliance for Maine's Future, *Grow Smart Maine*, the Maine Public Spending Research Group and others.

This bill is not intended as a replication of these past analytic efforts, though it includes a careful review and evaluation of past work. Instead, the emphasis of the bill is on translating past work into specific implementable changes in governance and policy and laying out a process that accomplishes those changes.

The bill proposes the appointment of a high-profile Commission on Reinventing Maine Government. The commission would be composed of established statesmen and stateswomen who have earned broad respect for their leadership, vision and commitment to Maine, who reflect a range of views and experience and who are sufficiently removed from government to have no direct interest in any particular set of changes. Each appointment to the commission should contribute to the group's credibility among Maine citizens and knowledge of how large organizations or governments function.

While the commission will review the many reports produced by past study groups to identify the substantive areas where legislative language might be crafted, the mission and product of the commission is not a new report, or even a compilation of previous reports. The goal of the commission will be to produce practical and specific legislation that would accomplish large-scale reform in governance and government structure and policy. Those recommendations may encompass the organizational structures of government, the diverse programs and responsibilities of government, the revenue sources and spending composition of government and other related areas of public policy. The legislation recommended by the commission would be treated by the Legislature in the same manner as a citizen-initiated referendum. The Legislature could either pass the recommended legislation, as presented, or send the legislation directly to referendum. Because of the magnitude of change envisioned by the bill, the referendum approach is encouraged as a way to solidify and deepen the public credibility and acceptance of the reforms.

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This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1450 An Act To Enforce Wage Laws ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RUSSELL | ONTP | |

This bill defines "employee," "employer" and "independent contractor" for the purposes of the wages and medium of payment provisions of the labor laws in order to prevent misclassification of employees and their exclusion from wage law protection. It strengthens notification and reporting requirements. The bill includes shareholders' liability to protect employees who are hired by corporations that use bankruptcy law to evade payment. It makes each violation of the wage and medium of payment provisions that occurs during a separate week, including discriminatory or retaliatory practices, a separate violation. The bill also prohibits employer retaliation against employees or others who bring complaints under the law.

LD 1451 An Act To Create Transparency and Accountability in Economic Carried Over
Development Subsidies

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RUSSELL | | |

This bill enacts certain safeguards for state and local government expenditures for economic development and job creation by creating a procedure to collect, analyze and make publicly available information regarding those expenditures. It allows the governmental entity making a subsidy to recapture the subsidy if the recipient defaults on the employment, wages, health care or other benefits promised by the recipient in its application for the subsidy.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1472 An Act To Create the State Advanced Practice Registered Nursing MAJORITY
Board (ONTP) REPORT

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

This bill establishes the State Advanced Practice Registered Nursing Board that is independent of the State Board of Nursing and provides separate oversight and regulation of advanced practice registered nurses.

Committee Amendment "A" (S-137)

This amendment is the minority report of the committee. It replaces the bill and changes the membership of the State Board of Nursing by adding an additional advanced practice registered nurse and reducing the number of

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public members appointed to the board by one. This amendment was not adopted.

LD 1475 An Act To Authorize the Training of Expanded Function Dental Assistants within Tribal Territories ONTP

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

This bill allows a licensed dentist who practices within the territory of a federally recognized Indian tribe to train and certify an expanded function dental assistant to perform dental procedures within the territory of the federally recognized Indian tribe.

LD 1505 An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use PUBLIC 222 EMERGENCY

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CAIN RECTOR | OTP-AM | H-325 |

This bill clarifies that treatment for nicotine addiction is within an alcohol and drug counselor's scope of practice but does not require those providing nicotine treatment to be licensed as alcohol and drug counselors.

Committee Amendment "A" (H-325)

This amendment strikes that section of the bill that proposes a new definition of "drug" in the laws governing alcohol and drug counselors but retains the provision allowing a person to engage in nicotine addiction counseling without a license as an alcohol and drug counselor. It also amends the definition of "alcohol and drug counseling services" to include nicotine addiction counseling and treatment services.

Enacted Law Summary

Public Law 2011, chapter 222 amends the definition of "alcohol and drug counseling services" within the laws governing alcohol and drug counselors to include nicotine addiction counseling and treatment services and allows a person to engage in nicotine addiction counseling without a license as an alcohol and drug counselor.

Public Law 2011, chapter 222 was enacted as an emergency measure effective June 3, 2011.

LD 1515 An Act To Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects PUBLIC 403

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

This bill clarifies and simplifies the reporting requirement for general contractors for public construction projects by moving the requirement from the various state agencies to a central reporting site at the Workers' Compensation

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Board. It moves the requirement from the Maine Revised Statutes, Title 26 to Title 39-A and complements the current reporting requirement to the Workers' Compensation Board.

Enacted Law Summary

Public Law 2011, chapter 403 clarifies and simplifies the reporting requirement for general contractors for public construction projects by moving the requirement from the various state agencies to a central reporting site at the Workers' Compensation Board. It moves the requirement from the Maine Revised Statutes, Title 26 to Title 39-A and complements the current reporting requirement to the Workers' Compensation Board.

LD 1519 An Act To Allow the Board of Dental Examiners To Issue Dental School Faculty Licenses

PUBLIC 330

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RECTOR | OTP-AM | S-247 |

This bill provides the Department of Professional and Financial Regulation, Board of Dental Examiners with the authority to issue, upon presentation of satisfactory credentials and other criteria established by rules adopted by the board, faculty licenses to an applicant who teaches dentistry, dental hygiene and denturism in this State as part of accredited or approved clinical and didactic programs for professional education of dental students, dental residents, dental hygiene students, dental hygiene residents and denturism students. An applicant for a faculty license must hold the required current license within the United States or Canada. Faculty licenses expire after 2 years and are renewable by the board. The board may assess a fee of up to \$250 for a faculty license. A faculty license allows the licensee to practice only within the dental school setting and any satellite locations approved by the board.

Committee Amendment "A" (S-247)

This amendment replaces the bill and establishes a dental school faculty license to allow a licensee to practice dentistry, dental hygiene or denturism in this State within the dental school setting only. It provides that in order to be eligible for a dental school faculty license, the applicant must hold a current dental, dental hygiene or denturism license in another state or a Canadian province and demonstrate, to the satisfaction of the Board of Dental Examiners, full compliance with the requirements of that other jurisdiction's dental laws and submit credentials, satisfactory to the board, including a recommendation letter from an employing school of dentistry, dental hygiene or denturism stating why the board should consider the applicant to be qualified under criteria established by rules adopted by the board. It allows the board to assess a fee of up to \$250 for a dental school faculty license and for renewal.

Enacted Law Summary

Public Law 2011, chapter 330 establishes a dental school faculty license to allow a licensee to practice dentistry, dental hygiene or denturism in this State within the dental school setting only. The law provides that in order to be eligible for a dental school faculty license, the applicant must hold a current dental, dental hygiene or denturism license in another state or a Canadian province and demonstrate, to the satisfaction of the Board of Dental Examiners, full compliance with the requirements of that other jurisdiction's dental laws and submit credentials, satisfactory to the board, including a recommendation letter from an employing school of dentistry, dental hygiene or denturism stating why the board should consider the applicant to be qualified under criteria established by rules adopted by the board. The law allows the board to assess a fee of up to \$250 for a dental school faculty license and for renewal.

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LD 1536 Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct Meetings To Review the Issue of Compliance with the Laws Governing Guaranteed Price Home Heating Oil, Kerosene and Liquefied Petroleum Gas Contracts RESOLVE 79

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------------|-------------------------|---------------------------|
| CORNELL DU HOUX GERZOFISKY | OTP-AM | H-526 |

This bill requires a dealer of home heating oil, kerosene or liquefied petroleum gas to file a quarterly report with the Attorney General concerning all prepaid guaranteed price home heating oil, kerosene or liquefied petroleum gas contracts that the dealer holds and evidence that the dealer is in compliance with the security provisions under state law relating to those contracts. The bill also stipulates that a violation of a prepaid guaranteed price home heating oil, kerosene or liquefied petroleum gas contract is a civil violation with a fine to equal the amount of the contract plus an additional 5% to be collected by the Attorney General. The Attorney General shall disburse a portion of the fine to the consumers whose contracts were not honored.

Committee Amendment "A" (H-526)

This amendment replaces the bill with a resolve that directs the Commissioner of Professional and Financial Regulation to convene a working group with interested parties to determine what information could be required of dealers of home heating oil, kerosene and liquefied petroleum gas that would demonstrate compliance with the law requiring security for prepaid guaranteed price contracts, pursuant to the Maine Revised Statutes, Title 10, section 1110, and to develop recommendations to improve the State's ability to ensure compliance with that law. It also requires the commissioner to submit a report of the findings and recommendations of the working group no later than January 15, 2012 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and authorizes that committee to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 79 directs the Commissioner of Professional and Financial Regulation to convene a working group with interested parties to determine what information could be required of dealers of home heating oil, kerosene and liquefied petroleum gas that would demonstrate compliance with the law requiring security for prepaid guaranteed price contracts, pursuant to the Maine Revised Statutes, Title 10, section 1110, and to develop recommendations to improve the State's ability to ensure compliance with that law. The resolve requires the commissioner to submit a report of the findings and recommendations of the working group no later than January 15, 2012 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and authorizes that committee to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

LD 1560 An Act To Update Professional and Occupational Licensing Statutes PUBLIC 286

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| PRESCOTT RECTOR | OTP-AM | H-396 |

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This bill amends the Charitable Solicitations Act to add the word "entity" to certain definitions for consistency; change the disclosure requirement for commercial co-venturers to encompass services as well as goods; authorize the Commissioner of Professional and Financial Regulation to deny the license application of an entity that has been, or whose principals have been, convicted of a felony or of a misdemeanor involving dishonesty; require an applicant whose license previously has lapsed to file an annual fund-raising activity report for the previous calendar year; and change the provision pertaining to the unauthorized use of names to limit this prohibition to those instances in which such use is made in a manner intended to mislead.

The bill changes the name of the Office of Licensing and Registration in the Department of Professional and Financial Regulation to the Office of Professional and Occupational Regulation. The bill also clarifies that an individual who engages in any activity that requires a license, without first obtaining a license, commits a civil violation of unlicensed practice. The bill removes references to boards that have been repealed. It authorizes an office, board or commission to assess a licensee who appeals a board decision for the cost of reproducing and transcribing the hearing record.

The bill provides that a person who assists at an auction may not be a person who has had an auctioneer license denied, suspended or revoked in this State or in any other jurisdiction. In addition, the bill provides for a new ground for disciplinary action by the licensing board if a licensed auctioneer allows another to act as an assistant when that person has held an auctioneer license that was denied, suspended or revoked in this State or another jurisdiction.

The bill removes provisions of law relating to informal conferences with licensees concerning certain disciplinary matters in the statutes of the Board of Chiropractic Licensure, Nursing Home Administrators Licensing Board and the Maine Board of Pharmacy to conform to the provisions of the Maine Revised Statutes, Title 10.

The bill moves provisions of law governing exceptions to the laws governing licensing related to electrical installations from Title 32, section 1102-A to section 1201-A. It clarifies levels of supervision by master electricians of subordinate licensees. The bill also requires that electricians contact state electrical inspectors for a permit inspection before the wiring is enclosed and the sheetrock installed. Under current law, only the owner or occupant of a building is required to comply with an order of correction issued by a state electrical inspector. This bill requires the electrician who performed the work that resulted in the order of correction to also comply with the order.

The bill amends the occupational therapy laws to provide for a 6-month temporary license that may be extended for an additional 6 months, if necessary.

The bill reduces the number of members on the State Board of Alcohol and Drug Counselors from 9 members to 5 members with 4 licensed alcohol and drug counselors and one public member appointed by the Governor. The terms of other existing board member positions will terminate on the effective date of the bill.

The bill reduces the term of a temporary license for a person to practice respiratory care from one year to 90 days. Such a license may be extended for an additional 90 days if necessary. The bill also reduces the required supervision of a temporary permit holder from direct supervision to general supervision.

The bill clarifies that the current branch office licensing requirement for a real estate brokerage business does not extend to home offices of real estate licensees. In addition, the bill requires that a brokerage agreement between a real estate brokerage agency and a client must include a statement that the agreement creates an agency-client relationship.

The bill clarifies that members of the Board of Real Estate Appraisers and investigators are not subject to certain professional appraiser practices when they review complaint matters.

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The bill creates a limited barber license; changes references to "manicuring" to "nail technology" to reflect current industry terminology; increases the time period for initial licensure after passing the examination for applicants seeking licensure in barbering, cosmetology, nail technology or aesthetics; eliminates the student requirement and replaces it with a student roster report at no cost; eliminates certain location restrictions on mobile establishments; and makes other minor technical changes.

The bill amends the laws governing massage therapy to require that a licensee who applies for license renewal more than 90 days after the expiration date is subject to all requirements governing new applicants.

The bill adds an eligibility provision for foreign educated applicants and changes the name of the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting to the Board of Speech, Audiology and Hearing.

Committee Amendment "A" (H-396)

This amendment makes technical corrections to the bill by repealing only the references to informal conferences for the Nursing Home Administrators Licensing Board and the Maine Board of Pharmacy within the Department of Professional and Financial Regulation. The amendment replaces the current minimum hour requirements for continuing education courses for real estate appraisers with continuing education requirements that will be determined by rule by the Department of Professional and Financial Regulations, Board of Real Estate Appraisers.

Enacted Law Summary

Public Law 2011, chapter 286 makes the following changes to the professional and occupational licensing statutes:

1. It amends the Charitable Solicitations Act to: add the word "entity" to certain definitions for consistency; change the disclosure requirement for commercial co-venturers to encompass services as well as goods; authorize the Commissioner of Professional and Financial Regulation to deny the license application of an entity that has been, or whose principals have been, convicted of a felony or of a misdemeanor involving dishonesty; require an applicant whose license previously has lapsed to file an annual fund-raising activity report for the previous calendar year; and change the provision pertaining to the unauthorized use of names to limit this prohibition to those instances in which such use is made in a manner intended to mislead.
2. It changes the name of the Office of Licensing and Registration in the Department of Professional and Financial Regulation to the Office of Professional and Occupational Regulation.
3. It clarifies that an individual who engages in any activity that requires a license, without first obtaining a license, commits a civil violation of unlicensed practice and removes references to boards that have been repealed. It authorizes an office, board or commission to assess a licensee who appeals a board decision for the cost of reproducing and transcribing the hearing record. It provides that a person who assists at an auction may not be a person who has had an auctioneer license denied, suspended or revoked in this State or in any other jurisdiction. In addition, the bill provides for a new ground for disciplinary action by the licensing board if a licensed auctioneer allows another to act as an assistant when that person has held an auctioneer license that was denied, suspended or revoked in this State or another jurisdiction.
4. It removes provisions of law relating to informal conferences with licensees concerning certain disciplinary matters in the statutes of the Nursing Home Administrators Licensing Board and the Maine Board of Pharmacy to conform to the provisions of the Maine Revised Statutes, Title 10.
5. It moves provisions of law governing exceptions to the laws governing licensing related to electrical installations from Title 32, section 1102-A to section 1201-A. It clarifies levels of supervision by master electricians of subordinate licensees. It also requires that electricians contact state electrical inspectors for a permit inspection before the wiring is enclosed and the sheetrock installed. Under current law, only the owner or occupant of a building is required to comply with an order of correction issued by a state electrical inspector. It requires the

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electrician who performed the work that resulted in the order of correction to also comply with the order. It amends the occupational therapy laws to provide for a 6-month temporary license that may be extended for an additional 6 months, if necessary.

6. It reduces the number of members on the State Board of Alcohol and Drug Counselors from 9 members to 5 members with 4 licensed alcohol and drug counselors and one public member appointed by the Governor. The terms of other existing board member positions will terminate on the effective date of the bill.

7. It reduces the term of a temporary license for a person to practice respiratory care from one year to 90 days. Such a license may be extended for an additional 90 days if necessary. It also reduces the required supervision of a temporary permit holder from direct supervision to general supervision.

8. It clarifies that the current branch office licensing requirement for a real estate brokerage business does not extend to home offices of real estate licensees. In addition, it requires that a brokerage agreement between a real estate brokerage agency and a client must include a statement that the agreement creates an agency-client relationship.

9. It clarifies that members of the Board of Real Estate Appraisers and investigators are not subject to certain professional appraiser practices when they review complaint matters. It replaces the current minimum hour requirements for continuing education courses for real estate appraisers with continuing education requirements that will be determined by rule by the Department of Professional and Financial Regulations, Board of Real Estate Appraisers

10. It creates a limited barber license; changes references to "manicuring" to "nail technology" to reflect current industry terminology; increases the time period for initial licensure after passing the examination for applicants seeking licensure in barbering, cosmetology, nail technology or aesthetics; eliminates the student requirement and replaces it with a student roster report at no cost; eliminates certain location restrictions on mobile establishments; and makes other minor technical changes.

11. It amends the laws governing massage therapy to require that a licensee who applies for license renewal more than 90 days after the expiration date is subject to all requirements governing new applicants.

12. It adds an eligibility provision for foreign educated applicants and changes the name of the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting to the Board of Speech, Audiology and Hearing.

**LD 1566 An Act To Require Disclosures by 3rd-party Vendors Contracted To ONTP
Perform Fund-raising**

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

Current law places certain restrictions on professional solicitors, who are persons or companies that solicit donations on behalf of charitable organizations.

This bill requires a professional solicitor who receives more than 25% of the solicited donation to disclose to the donor the percentage of the donation the professional solicitor receives, the percentage of the donation the charitable organization receives, whether the donation is sent by the donor to the professional solicitor or to the charitable organization and whether the professional solicitor's fee is paid prior to or after the distribution of the

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donation to the charitable organization.

As under the current law, a failure to make the disclosures required by this bill is a violation of the Maine Unfair Trade Practices Act and an intentional violation is a Class D crime.

LD 1571 An Act To Amend the Laws Governing Workers' Compensation

Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| CUSHING COURTNEY | | |

This bill amends provisions of the Maine Workers' Compensation Act of 1992 and procedures of the Workers' Compensation Board.

1. It amends the law to provide for full reimbursement to an employer from proceeds paid by a third party.
2. It amends the selection process for the Workers' Compensation Board. Under current law, the three representatives of labor on the board must be appointed from a list provided by a bona fide labor organization or association of employees. This bill instead requires that one of the three labor members be appointed from that list; the other two labor representatives must be appointed at the discretion of the Governor.
3. It repeals the troubleshooter program established under the Maine Revised Statutes, Title 39-A, section 153, subsection 2.
4. It amends the mediation provision to require that mediation be requested both by the employer and the employee.
5. It eliminates the board's audit and enforcement oversight of the Maine Insurance Guaranty Association.
6. It amends the law to address the decision in *Roy v. Bath Iron Works*, 2008 ME 94, to specifically provide that a subsequent nonwork injury, independent of any work-related injury, and unrelated to any work-related injury, that results in total disability results in a cessation of benefits for the duration of the disability.
7. It specifies that, if an award has been entered, the employer, insurer or group self-insurer may petition the board for a reduction and may not reduce or discontinue benefits until the issuance of a decree by a hearing officer, after which benefits may be reduced or discontinued pending an appeal from the hearing officer's decree.
8. It eliminates the requirement that a physician have an active practice in order to be qualified to conduct a medical examination.
9. It provides that if an employee chooses to have a physician present at an employer-required examination, the employee must pay the cost of that physician.
10. Under current law, in establishing standards, schedules or scales of maximum charges, the board is required to consider maximum charges paid by private third-party payors. This bill requires the board to base those standards, schedules or scales on reasonably and customarily negotiated charges between health care providers and third-party insurers and requires that if standards are not established by October 1, 2011, then charges customarily paid by MaineCare apply.
11. It amends the laws governing compensation for partial incapacity.

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- 12. It repeals provisions of the law requiring the board to adjust the 15% impairment threshold, dates of injury and extension of the period of benefit limitation.
- 13. It provides that an employee who is otherwise retired is not presumed to have a loss of earnings or earning capacity regardless of whether the employee terminates active employment.
- 14. It amends the statute of limitations periods when no first report of injury is required to be filed.
- 15. It amends the law to address the decision in Larochelle v. Crest Shoe, 655 A. 2d 1245 (Me 1995) to specify that overpayments made during the pendency of a motion for findings of fact and conclusions of law must be repaid.
- 16. It prohibits the board from assessing a fine against an employer or insurer in excess of \$25,000 unless the employer or insurer intentionally and fraudulently failed to pay compensation.
- 17. It provides that, for injuries occurring after January 1, 2005, lump-sum attorney's fees are paid on the indemnity portion of a settlement.
- 18. It prohibits the assessment of an attorney's fee for the amount of any settlement intended to pay for current or future medical costs.
- 19. It repeals provisions regarding the Supplemental Benefits Fund, which was established to reimburse payments of compensation to employees under provisions governing extended benefits for partial incapacity that are repealed in this bill.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1573 An Act To Allow Retired Dentists To Obtain a License To Practice in PUBLIC 450
Nonprofit Clinics

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------------|-------------------------|----------------------------|
| CORNELL DU HOUX RECTOR | OTP-AM | H-397 H-658 PRESCOTT |

This bill permits the Board of Dental Examiners to issue a limited license to a dentist who has retired from the regular practice of dentistry for the purposes of permitting the dentist to practice in a nonprofit dental clinic.

Committee Amendment "A" (H-397)

This amendment provides that a retired dentist who receives a limited license to practice at a nonprofit dental clinic may not receive any remuneration for work performed at the clinic. The amendment requires the applicant to furnish proof satisfactory to the board that the applicant has been licensed to practice dentistry in this State and is in good standing with the board. It also requires that an applicant licensed to practice dentistry in another state or a Canadian province have professional education that is not less than required in this State and that the applicant must be in good standing and not subject to disciplinary action in the state or Canadian province in which the license was granted. The amendment also adds an appropriations and allocations section.

House Amendment "A" (H-658)

This amendment reduces the fee for a limited biennial license and renewal of a limited biennial license from \$200 to \$75.

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Enacted Law Summary

Public Law 2011, chapter 450 allows the Board of Dental Examiners to issue a limited license to a dentist who has retired from the regular practice of dentistry for the purposes of permitting the dentist to practice in a nonprofit dental clinic. The law provides that a retired dentist who receives a limited license to practice at a nonprofit dental clinic may not receive any remuneration for work performed at the clinic. It requires the applicant to furnish proof satisfactory to the board that the applicant has been licensed to practice dentistry in this State and is in good standing with the board. The law also requires that an applicant licensed to practice dentistry in another state or a Canadian province have professional education that is not less than required in this State and that the applicant must be in good standing and not subject to disciplinary action in the state or Canadian province in which the license was granted. The fee for a limited biennial license and renewal of a limited biennial license is \$75.

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SUBJECT INDEX

Business Regulation

Enacted

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| LD 187 | An Act To Amend the Laws Regulating Dealers of Agricultural, Industrial, Construction and Forestry Equipment | PUBLIC 236 |
| LD 316 | An Act To Clarify the Scope of Maine's Franchise Laws for Dealers of Power Equipment, Machinery and Appliances | PUBLIC 75 EMERGENCY |
| LD 816 | An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings | PUBLIC 94 |
| LD 1253 | An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes | PUBLIC 365 EMERGENCY |

Not Enacted

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| LD 43 | An Act To Repeal the Maine Uniform Building and Energy Code | ONTP |
| LD 118 | An Act To Protect Private Enterprise from Tax-subsidized Competition by Imposing Requirements on Certain Postsecondary Institutions | ONTP |
| LD 166 | An Act To Exempt Seasonally Restricted Cottages from the Newly Adopted Maine Uniform Building and Energy Code | ONTP |
| LD 186 | An Act To Repeal Laws Prohibiting Certain Businesses from Operating on Sunday | ONTP |

Consumer Protection

Enacted

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|---------|---|---------------------------------|
| LD 273 | An Act Regarding Penalties for Opting Out of Paperless Billing | PUBLIC 226 |
| LD 375 | Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Review the Laws and Rules Governing Boilers | RESOLVE 45 EMERGENCY |
| LD 1536 | Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct Meetings To Review the Issue of Compliance with the Laws Governing Guaranteed Price Home Heating Oil, Kerosene and Liquefied Petroleum Gas Contracts | RESOLVE 79 |

Not Enacted

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| LD 188 | An Act To License Residential Builders and Register Specialty Contractors | MAJORITY (ONTP) REPORT |
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Economic Development- Agencies

Enacted

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|---------|--|-------------------------|
| LD 1127 | An Act To Amend the Authority of the Washington County Development Authority | PUBLIC 136 EMERGENCY |
| LD 1342 | An Act To Amend the Washington County Development Authority | PUBLIC 148 |

Not Enacted

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|--------|--|------------------------|
| LD 204 | An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees | DIED BETWEEN HOUSES |
| LD 465 | An Act To Provide Efficient Delivery of Economic Development Services | ONTP |
| LD 771 | An Act To Establish the St. John Valley Regional Planning Commission | Carried Over |

Economic Development-Programs

Enacted

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|---------|---|------------------------|
| LD 575 | An Act To Extend a Deadline under the Regional Economic Development Revolving Loan Program | PUBLIC 11 EMERGENCY |
| LD 584 | An Act To Appropriate Funds for the Maine Downtown Center | PUBLIC 459 |
| LD 679 | Resolve, To Leverage Federal Opportunities for Job Creation in Maine | RESOLVE 29 |
| LD 1069 | An Act To Promote Visual and Digital Media Productions, Tourism and Job Creation in the State | PUBLIC 372 |

Not Enacted

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| LD 323 | An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand | Carried Over |
| LD 384 | An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State | Carried Over |
| LD 453 | An Act To Facilitate the Establishment of a Business in Maine by Providing Assistance with Document Completion | ONTP |
| LD 700 | Resolve, Directing the Finance Authority of Maine To Create a Microfinance Loan Program Entitled "Believe in ME" for Entrepreneurs under 30 Years of Age | ONTP |
| LD 799 | An Act To Provide Capital for Economic Development in Aroostook County | ONTP |
| LD 998 | Resolve, Directing the Finance Authority of Maine To Develop a Business Development Loan Program for Legal Immigrants | ONTP |

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| LD 1026 | An Act To Regulate the Distribution of Feature Motion Pictures in the State | ONTP |
| LD 1050 | An Act To Encourage the Promotion of Outdoor Recreational Activities | ONTP |
| LD 1171 | An Act To Amend the Pine Tree Development Zone Laws To Provide a Better Measurement of Per Capita Income | ONTP |
| LD 1288 | An Act To Amend the Pine Tree Development Zone Laws Regarding Average Weekly Wages | ONTP |
| LD 1432 | An Act To Expand Apprenticeship Programs and Scholarship Programs with Funding from Identification of Ineffective Economic Development Tax Incentives | ONTP |
| LD 1437 | An Act To Implement Recommendations on Reinventing Government | Carried Over |
| LD 1451 | An Act To Create Transparency and Accountability in Economic Development Subsidies | Carried Over |

Employee Benefits

Not Enacted

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|--------|---|------------------------|
| LD 893 | An Act To Require an Employer To Provide Notification Regarding the Employer's Personal Leave Policy to Employees | MAJORITY (ONTP) REPORT |
|--------|---|------------------------|

Employment Practices

Enacted

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|---------|--|------------|
| LD 207 | An Act To Amend the Laws Regarding Tips Used in Payment of Service Employees | PUBLIC 118 |
| LD 516 | An Act To Amend Maine Law Regarding Employment Practices for Certain Minors | PUBLIC 174 |
| LD 1241 | An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws | PUBLIC 196 |

Not Enacted

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|--------|--|------------------------|
| LD 30 | An Act To Clarify the Laws Governing Non-compete Clauses in Broadcast Industry Contracts | ONTP |
| LD 152 | An Act To Prohibit Employment Discrimination Based on a Prior Criminal Conviction | ONTP |
| LD 169 | An Act To Allow Veterans Who Work for Employers with More than 50 Employees To Take Veterans Day Off with Full Pay | ONTP |
| LD 314 | An Act To Improve Employment Opportunities for Workers in the Forest Industry | MAJORITY (ONTP) REPORT |
| LD 340 | An Act Regarding Timber Harvesting on State Land | VETO SUSTAINED |

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| LD 1207 | An Act To Amend the Labor Laws Relating to Certain Agricultural Employees | Carried Over |
| LD 1346 | An Act To Enhance Access to the Workplace for Minors | ONTP |
| LD 1383 | An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers | Carried Over |

Housing

Enacted

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|--------|--|-------------|
| LD 841 | Resolve, To Establish the Blue Ribbon Commission on Affordable Housing | RESOLVE 108 |
|--------|--|-------------|

Not Enacted

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| LD 438 | An Act To Provide Seed Money for the Construction of Senior Housing in the Town of Newport | ONTP |
| LD 751 | Resolve, To Examine State Programs That Grant Funds To Improve Real Property and To Establish a Formula for Recouping Certain Funds | ONTP |
| LD 863 | An Act To Allow the Maine State Housing Authority To Prepurchase Oil for the Low-income Home Energy Assistance Program | ONTP |
| LD 1007 | An Act To Amend the Laws Governing Comprehensive Planning To Encourage the Development of Affordable Housing | INDEF PP |
| LD 1194 | An Act Regarding Contracts Awarded by the Maine State Housing Authority for the Installation or Servicing of Energy-efficient Appliances in Low-income Households | MAJORITY (ONTP) REPORT |

Independent Contractor Status

Enacted

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|---------|--|-------------------------|
| LD 315 | An Act Relating to the Status of a Private Investigator as an Independent Contractor | PUBLIC 66 |
| LD 613 | An Act To Clarify the Definition of "Employment" in the Employment Security Law | PUBLIC 70 |
| LD 1420 | An Act To Modify the Laws Regarding Status as an Independent Contractor | PUBLIC 292 EMERGENCY |

Not Enacted

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| LD 1314 | An Act To Standardize the Definition of "Independent Contractor" | Carried Over |
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Individuals with Disabilities Employment

Not Enacted

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| LD 765 | An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired | Carried Over |
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Labor Relations

Not Enacted

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| LD 309 | An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State | Carried Over |
| LD 788 | An Act To Prohibit Forced Payment of Labor Union Dues or Fees by Workers | INDEF PP |

Miscellaneous

Not Enacted

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|---------|--|------------------|
| LD 972 | An Act To Provide Administrative Support to the Citizen Trade Policy Commission | HELD BY GOVERNOR |
| LD 1378 | An Act To Create a State-sponsored 401(k) Retirement Plan for Participation by Private Employers | ONTP |

Occupational and Professional Regulation

Enacted

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|--------|---|-------------------------|
| LD 46 | An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in the Civil Service System | PUBLIC 6 |
| LD 129 | An Act To Eliminate Dual Certification Requirements for Speech-language Pathologists | PUBLIC 49 |
| LD 177 | An Act To Authorize Licensed Veterinarians To Honor Prescriptions from Other Licensed Veterinarians | PUBLIC 30 |
| LD 230 | Resolve, To Establish a Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State | RESOLVE 67 |
| LD 537 | Resolve, To Design and Implement a Demonstration Project on Recertification of Certified Nursing Assistants | RESOLVE 35 |
| LD 767 | An Act To Amend and Clarify Certain Portions of the Dental Practice Laws | PUBLIC 184 |
| LD 784 | An Act To Exempt Persons Performing Simple Electrical Repairs from Licensing Requirements | PUBLIC 272 |
| LD 878 | An Act To Provide a Temporary License To Operate a Public Dance Establishment | PUBLIC 333 |
| LD 889 | An Act To Regulate Boxing and Prizefighting in Maine | PUBLIC 305 |
| LD 915 | An Act To Clarify the Exemption of Lineworkers from Maine Electrician Licensing Laws | PUBLIC 290 EMERGENCY |

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| LD 928 | An Act To Repeal the Requirement That Electrical Companies Be Licensed | PUBLIC 406 |
| LD 1368 | An Act To Adjust Payroll Processor License Fees | PUBLIC 308 |
| LD 1391 | An Act To Improve Access to Veterinary Medicine and Improve Veterinary Care | PUBLIC 189 EMERGENCY |
| LD 1428 | An Act To Amend the Laws Governing Self-service Storage in the State | PUBLIC 376 |
| LD 1505 | An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use | PUBLIC 222 EMERGENCY |
| LD 1519 | An Act To Allow the Board of Dental Examiners To Issue Dental School Faculty Licenses | PUBLIC 330 |
| LD 1560 | An Act To Update Professional and Occupational Licensing Statutes | PUBLIC 286 |
| LD 1573 | An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics | PUBLIC 450 |
| <u>Not Enacted</u> | | |
| LD 266 | An Act To Expand Access to Oral Health Care | MAJORITY (ONTP) REPORT |
| LD 398 | An Act To Require Criminal History Record Information for Licensure of Nurses | VETO SUSTAINED |
| LD 406 | Resolve, To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use | ONTP |
| LD 555 | An Act To Utilize a Dental Complaint Review Panel | ONTP |
| LD 691 | An Act To Establish Continuing Education Requirements for Manufactured Housing Installers | LEAVE TO WITHDRAW |
| LD 937 | An Act To Increase Access to Dental Care in Rural Areas | LEAVE TO WITHDRAW |
| LD 947 | An Act To Encourage Professionals To Move to the State | ONTP |
| LD 955 | An Act To Establish the Dental Adjudicatory Panel | Carried Over |
| LD 957 | Resolve, Directing the Plumbers' Examining Board To Amend Its Rules Governing Installation Standards | LEAVE TO WITHDRAW |
| LD 995 | An Act To Require Dental Professionals To Provide Education to the Public on Oral Hygiene | ONTP |
| LD 1004 | An Act To Clarify Training Requirements for Funeral Service Providers | ONTP |

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| LD 1472 | An Act To Create the State Advanced Practice Registered Nursing Board | MAJORITY (ONTP) REPORT |
| LD 1475 | An Act To Authorize the Training of Expanded Function Dental Assistants within Tribal Territories | ONTP |
| LD 1566 | An Act To Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising | ONTP |

Unemployment Compensation

Enacted

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| LD 224 | An Act To Provide Temporary Changes to the Extended Benefit Triggers in Accordance with the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 | PUBLIC 2 EMERGENCY |
| LD 269 | An Act To Implement a Maine Unemployment Insurance Work-sharing Program | PUBLIC 91 |
| LD 1057 | An Act To Increase the Transparency of the Unemployment Compensation Fund | PUBLIC 212 |
| LD 1117 | Resolve, To Require the Commissioner of Labor To Convene a Stakeholder Group To Determine the Most Appropriate Amount of Time an Employer May Employ an Employee without Being Subject to Unemployment Compensation Requirements | RESOLVE 85 |
| LD 1238 | Resolve, Authorizing the Bureau of Unemployment Compensation To Study Establishment of a Voluntary Workplace Training Program | RESOLVE 84 |

Not Enacted

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| LD 136 | An Act To Amend the Unemployment Compensation Law Regarding Denial of Benefits for Refusing To Accept Work | ONTP |
| LD 304 | An Act To Promote the Hiring of Seasonal Workers | ONTP |
| LD 534 | An Act To Clarify Successor Liability under the Employment Security Law | ONTP |

Wages

Not Enacted

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| LD 447 | An Act To Raise the Minimum Wage | MAJORITY (ONTP) REPORT |
| LD 457 | An Act To Provide a Livable Wage for Maine Families | ONTP |
| LD 698 | An Act To Bring Wage Equity to the Workplace | ONTP |

LD 994 **An Act To Promote Responsible Business Practices through a Livable Wage** ONTP

LD 1450 **An Act To Enforce Wage Laws** ONTP

Workers' Compensation

Enacted

LD 1056 **An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992** PUBLIC 215
EMERGENCY

LD 1099 **An Act Concerning Independent Contractors in the Trucking and Messenger Courier Industries** PUBLIC 176

LD 1244 **An Act Regarding Payment of Medical Fees in the Workers' Compensation System** PUBLIC 338

LD 1268 **An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits** PUBLIC 361

LD 1515 **An Act To Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects** PUBLIC 403

Not Enacted

LD 866 **Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies** MAJORITY
(ONTP) REPORT

LD 1055 **An Act Regarding the Computation of Workers' Compensation Rates Based on Past Claims** ONTP

LD 1065 **An Act To Amend the Laws Governing the Determination of Permanent Impairment under the Maine Workers' Compensation Act of 1992** ONTP

LD 1078 **An Act To Amend the Audit and Enforcement Functions of the Workers' Compensation Board** ONTP

LD 1285 **An Act To Amend the Assessment Process and Funding of the Maine Workers' Compensation Board** ONTP

LD 1571 **An Act To Amend the Laws Governing Workers' Compensation** Carried Over

Workforce Investment

Not Enacted

LD 818 **Resolve, To Improve the Training and Retention of Maine's Professional Direct Care and Personal Supports Workforce** ONTP

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