

STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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

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

**DIED ON
ADJOURNMENT**

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

This bill was carried over from the First Regular Session of the 125th Legislature.

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.

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

PUBLIC 563

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK RECTOR	OTP-AM	H-803

This bill was carried over from the First Regular Session of the 125th Legislature.

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

Committee Amendment "A" (H-803)

This amendment replaces the bill, which was a concept draft. It amends the provisions governing the Commissioner of Economic and Community Development's comprehensive economic development evaluation by changing the report's outcome measures to include measures that assess the overall economic performance of the program being evaluated, as demonstrated by the number of jobs created and wages paid by the agency or entity and any state revenues that are attributable to the activities of the agency or entity. It specifies that the economic development evaluation must include, but is not limited to, a review of the following programs: the Maine Employment Tax increment Financing Program, pursuant to the Maine Revised Statutes, Title 36, chapter 917; the Governor's Training Initiative Program, pursuant to Title 26, section 2031; the Loring Development Authority of Maine, pursuant to Title 5, section 13080; the visual media production certification program, pursuant to Title 5, section 13090-L; the promotion and marketing of state products through the Department of Economic and Community Development, pursuant to Title 5, section 13062; the Maine International Trade Center, pursuant to Title 10, section 945; municipal tax increment financing, pursuant to Title 30-A, section 5227; and the pine tree development zone program, pursuant to Title 30-A, section 5250-J. It also changes the economic development evaluation from an annual to a biennial report, requires the independent reviewers to also be nonpartisan reviewers, makes a technical

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correction to the funding mechanism for the evaluation and aligns the reporting dates with the research and development evaluation.

The amendment eliminates the Maine Tourism Commission and requires the Department of Economic and Community Development, Office of Tourism to seek direct input and consultation from the tourism industry on its marketing and promotional plans and to collaborate with tourism regions and industry sectors to accomplish the goals identified in its marketing and promotional plans and the marketing and development strategy. It also requires the Office of Tourism to seek tourism industry input in other areas the Commissioner of Economic and Community Development considers appropriate and necessary. It also requires the Office of Tourism to provide a quarterly presentation beginning January 1, 2014 to the tourism industry stakeholders and provide an annual report to the Governor and the Legislature summarizing the goals and achievements of the office.

The amendment changes the Department of Economic and Community Development, Office of Innovation's comprehensive research and development evaluation from a 5-year to a 6-year evaluation and changes its progress report from an annual to a biennial report.

The amendment amends the laws governing the Maine Rural Development Authority to allow the authority to also provide loans to businesses that currently do not own real estate and that are not supported by private investment and allows the authority to collect any machinery and equipment that is being held as collateral for a loan issued to a specific business.

The amendment expands the definition of "qualified active low-income community business" within the laws governing the new markets capital investment credit to allow a business to qualify for the credit if it meets specific requirements for activity within municipalities where the average annual unemployment rate is higher than the state average unemployment rate.

The amendment requires the Commissioner of Economic and Community Development, beginning August 1, 2012, to convene at least 5 meetings with marketing personnel from the following state agencies: the Department of Agriculture, Food and Rural Resources; the Department of Labor; the Department of Environmental Protection; the Department of Education; the Department of Conservation; the Department of Inland Fisheries and Wildlife; the Department of Marine Resources; and the Department of Transportation. It requires the commissioner to gather information at the meetings regarding the marketing efforts, budgets and strategies used by these agencies in order to determine if the State can market its products and services more efficiently. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 563 amends the provisions governing the Commissioner of Economic and Community Development's comprehensive economic development evaluation by changing the report's outcome measures to include measures that assess the overall economic performance of the program being evaluated, as demonstrated by the number of jobs created and wages paid by the agency or entity and any state revenues that are attributable to the activities of the agency or entity. The law specifies that the economic development evaluation must include, but is not limited to, a review of the following programs: the Maine Employment Tax increment Financing Program, pursuant to the Maine Revised Statutes, Title 36, chapter 917; the Governor's Training Initiative Program, pursuant to Title 26, section 2031; the Loring Development Authority of Maine, pursuant to Title 5, section 13080; the visual media production certification program, pursuant to Title 5, section 13090-L; the promotion and marketing of state products through the Department of Economic and Community Development, pursuant to Title 5, section 13062; the Maine International Trade Center, pursuant to Title 10, section 945; municipal tax increment financing, pursuant to Title 30-A, section 5227; and the pine tree development zone program, pursuant to Title 30-A, section 5250-J.

The law changes the economic development evaluation from an annual to a biennial report, requires the independent reviewers to also be nonpartisan reviewers, makes a technical correction to the funding mechanism for the

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evaluation and aligns the reporting dates with the research and development evaluation. It eliminates the Maine Tourism Commission and requires the Department of Economic and Community Development, Office of Tourism to seek direct input and consultation from the tourism industry on its marketing and promotional plans and to collaborate with tourism regions and industry sectors to accomplish the goals identified in its marketing and promotional plans and the marketing and development strategy. It also requires the Office of Tourism to seek tourism industry input in other areas the Commissioner of Economic and Community Development considers appropriate and necessary. It requires the Office of Tourism to provide a quarterly presentation beginning January 1, 2014, to the tourism industry stakeholders and provide an annual report to the Governor and the Legislature summarizing the goals and achievements of the office.

The law changes the Department of Economic and Community Development, Office of Innovation's comprehensive research and development evaluation from a 5-year to a 6-year evaluation and changes its progress report from an annual to a biennial report. It amends the laws governing the Maine Rural Development Authority to allow the authority to also provide loans to businesses that currently do not own real estate and that are not supported by private investment and allows the authority to collect any machinery and equipment that is being held as collateral for a loan issued to a specific business. It also expands the definition of "qualified active low-income community business" within the laws governing the new markets capital investment credit to allow a business to qualify for the credit if it meets specific requirements for activity within municipalities where the average annual unemployment rate is higher than the state average unemployment rate.

Beginning August 1, 2012, the law requires the Commissioner of Economic and Community Development to convene at least 5 meetings with marketing personnel from the following state agencies: the Department of Agriculture, Food and Rural Resources; the Department of Labor; the Department of Environmental Protection; the Department of Education; the Department of Conservation; the Department of Inland Fisheries and Wildlife; the Department of Marine Resources; and the Department of Transportation. It requires the commissioner to gather information at the meetings regarding the marketing efforts, budgets and strategies used by these agencies in order to determine if the State can market its products and services more efficiently. It also authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill to the First Regular Session of the 126th Legislature.

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

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI WHITTEMORE	OTP-AM MAJ ONTP MIN	H-895 H-909 WELSH

This bill was carried over from the First Regular Session of the 125th Legislature.

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.

Committee Amendment "A" (H-895)

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This amendment replaces the bill and is the majority report of the committee. It creates the Motion Picture, Musical and Digital Media Incentive Program, which allows for a rebate based on qualifying production expenditures for a motion picture production company that spends at least \$75,000 in qualifying production expenditures or a musical, theatrical or sound production company or digital interactive media production company that spends at least \$15,000 in qualifying production expenditures. In addition, in order to qualify for the rebate, the company must:

1. Employ below-the-line personnel, at least 50% of whom are residents of this State, and, beginning September 1, 2013, employ below-the-line personnel, at least 65% of whom are residents of this State;
2. Contract with a travel company located in this State;
3. Contract with a payroll processing company licensed by this State pursuant to the Maine Revised Statutes, Title 10, chapter 222 and located in this State;
4. Use a financial institution located and authorized to do business in this State;
5. Contract with a casting company located in this State; and
6. Agree to display in its production a single card credit or state logo, as prescribed by the Department of Economic and Community Development, Office of Tourism, stating that the production was filmed, produced or created in this State with the cooperation of the office.

The amendment establishes application requirements for initial and final state certification and standards for eligibility for the rebate. It allows for a rebate of 25% of all qualifying production expenditures, subject to the following limitations: from May 1, 2012, to June 30, 2013, the total amount of rebates authorized may not exceed \$25,000,000 in the aggregate and the total amount of rebates authorized in any subsequent fiscal year may not exceed \$50,000,000 in the aggregate.

It provides that a company that receives a rebate under the program may not claim any other state economic development incentive, tax reimbursement or exemption in the same fiscal year.

The amendment also repeals the certified visual media production credit and visual media production reimbursement. It requires that, beginning January 15, 2013, and every 2 years thereafter, the office shall review all aspects of the program, including the level of participation, the amount rebated from the Motion Picture, Musical and Digital Media Incentive Program Fund and the amount retained by the office, and submit a report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters. The report must include any recommendations of the office for improvements or changes to the program. The amendment authorizes the committee to report out a bill to implement the recommendations in the report.

The amendment requires the State Controller to transfer \$25,000,000 by January 1, 2013, and \$50,000,000 annually thereafter from General Fund undedicated revenue to be used to provide rebates under the program.

The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-909)

This amendment reduces the annual funding to the proposed Motion Picture, Musical and Digital Media Incentive Program by \$1,000,000 and transfers that same amount to the Visual and Digital Media Loan Program.

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

**PUBLIC 661
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS THIBODEAU	OTP-AM	H-737 S-595 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature.

It 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.

Committee Amendment "B" (H-737)

This amendment replaces the bill and does the following:

1. Provides funding for 2 Certified Teacher of Visually Impaired contracted positions. Funding for fiscal year 2011-12 is provided through a transfer of federal funds from the Department of Education to the Department of Labor. Beginning in fiscal year 2012-13, funding for the contracted positions is provided through General Fund appropriations;
2. Provides funding for 2 Vision Rehabilitation Therapist contracted positions beginning in fiscal year 2012-13 to teach independent living and job readiness skills;
3. Establishes one full-time and one half-time Orientation and Mobility Specialist position within the Department of Labor, Division for the Blind and Visually Impaired to provide instruction in safe and independent travel to children and adults; and
4. Establishes one Blindness and Rehabilitation Specialist position within the Division for the Blind and Visually Impaired beginning in fiscal year 2012-13 to provide case management services.

This amendment directs the Department of Labor and the Department of Education to work together to develop contracts to provide educational services and clarifies that educational services required by federal law to be provided to blind and visually impaired children from birth to 20 years of age take precedence over such services provided to blind or visually impaired adults.

This amendment adds an emergency preamble and emergency clause.

Senate Amendment "A" To Committee Amendment "B" (S-595)

This amendment replaces the committee amendment and directs the Department of Labor, Division for the Blind and Visually Impaired and the Department of Education to work together to develop contracts to provide educational services. It clarifies that educational services for blind and visually impaired children from birth to 20 years of age

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are an entitlement mandated by federal law and, as such, children will receive priority for all services provided by the division.

Enacted Law Summary

Public Law 2011, chapter 661 directs the Department of Labor, Division for the Blind and Visually Impaired and the Department of Education to work together to develop contracts to provide educational services and delivery of those services to blind or visually impaired children from birth to 20 years of age. It clarifies that educational services for these children are an entitlement mandated by federal law and, as such, these children will receive priority for all services provided by the division.

Public Law 2011, chapter 661 was enacted as an emergency measure effective May 21, 2012.

LD 771 Resolve, To Support the Development of a Model Charter for the St. John Valley Regional Planning Commission RESOLVE 165 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE	OTP-AM MAJ	H-948
JACKSON	OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

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

Committee Amendment "A" (H-864)

This amendment is the majority report of the committee. It replaces the bill with a resolve directing the Commissioner of Economic and Community Development to invite representatives from unorganized townships and the following municipalities within Aroostook County to at least 2 meetings to facilitate the development of a model charter that would establish the St. John Valley Regional Planning Commission: Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, St. Agatha, Stockholm, Van Buren, Wallagrass Plantation and Woodland. It requires the commissioner to provide assistance at the meetings to facilitate the development of a model charter for the St. John Valley Regional Planning Commission and provide assistance with identifying any regulatory obstacles or impediments to establishing such a charter. It requires the department to provide a report no later than December 5, 2012 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on any meetings that were held, as well as any recommendations regarding the need for a charter to be established in law. It authorizes the committee to submit a bill on this issue to the First Regular Session of the 126th Legislature.

This amendment was not adopted.

Committee of Conference Amendment "A" (H-948)

This amendment is the report of the Committee of Conference. This amendment incorporates the provisions of Committee Amendment "A" by replacing the bill with a resolve directing the Commissioner of Economic and Community Development to invite representatives from unorganized townships and the following municipalities within Aroostook County to at least 2 meetings to facilitate the development of a model charter that would establish the St. John Valley Regional Planning Commission: Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville,

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Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, St. Agatha, Stockholm, Van Buren, Wallagrass Plantation and Woodland. It requires the commissioner to provide assistance at the meetings to facilitate the development of a model charter for the St. John Valley Regional Planning Commission and provide assistance with identifying any regulatory obstacles or impediments to establishing such a charter. It requires the Department of Economic and Community Development to provide a report no later than December 5, 2012 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on any meetings that were held, as well as any recommendations regarding the need for a charter to be established in law. It authorizes the committee to submit a bill on this issue to the First Regular Session of the 126th Legislature.

This amendment also adds an emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2011, chapter 165 directs the Commissioner of Economic and Community Development to invite representatives from unorganized townships and the following municipalities within Aroostook County to at least 2 meetings to facilitate the development of a model charter that would establish the St. John Valley Regional Planning Commission: Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, St. Agatha, Stockholm, Van Buren, Wallagrass Plantation and Woodland. It requires the commissioner to provide assistance at the meetings to facilitate the development of a model charter for the St. John Valley Regional Planning Commission and provide assistance with identifying any regulatory obstacles or impediments to establishing such a charter.

It requires the Department of Economic and Community Development to provide a report no later than December 5, 2012 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on any meetings that were held, as well as any recommendations regarding the need for a charter to be established in law. The law authorizes the committee to submit a bill on this issue to the First Regular Session of the 126th Legislature.

Resolve 2011, chapter 165 was finally passed as an emergency measure effective May 29, 2012.

LD 955 An Act To Establish a Dental Adjudicatory Panel System

PUBLIC 581

Sponsor(s)

RECTOR

Committee Report

OTP-AM

Amendments Adopted

S-482

This bill was carried over from the First Regular Session of the 125th Legislature.

It 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.

Committee Amendment "A" (S-482)

This amendment makes the following changes to the bill.

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1. It clarifies that the Board of Dental Examiners has the authority in the case of a consent agreement with a licensee to take any action authorized by the Maine Revised Statutes, Title 10, section 8003, subsection 5 or Title 10, section 8003-D.
2. It provides that if the board concludes that denial of initial licensure or modification or nonrenewal of an existing license is in order, the board may refer a complaint to a dental adjudicatory panel for the purpose of holding an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act.
3. It provides that a dental adjudicatory panel, not the board, has the sole authority to hold an adjudicatory hearing conforming to the requirements of the Maine Administrative Procedure Act and take any action following an adjudicatory hearing authorized by Title 10, section 8003, subsection 5 or Title 10, section 8003-D.
4. It provides that any nonconsensual revocation of a license by a dental adjudicatory panel may be imposed only after a hearing conforming to the requirements of the Maine Administrative Procedure Act and is subject to judicial review exclusively in the Superior Court. It also provides that the board retains the authority to take any other action regarding the disposition of any complaint that does not involve an adjudicatory hearing.
5. It replaces the provisions in the bill that establish the Dental Adjudicatory Panel with a system of dental adjudicatory panels that are convened on a case-by-case basis from a pool of variously qualified potential panel members, each serving a 5-year term, and establishes the duties and authority of the panels.
6. It repeals the laws governing the dental adjudicatory panels September 15, 2014, but allows the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding dental adjudicatory panels to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 581 does the following.

1. It clarifies that the Board of Dental Examiners has the authority in the case of a consent agreement with a licensee to take any action authorized by the Maine Revised Statutes, Title 10, section 8003, subsection 5 or Title 10, section 8003-D.
2. It provides that if the board concludes that denial of initial licensure or modification or nonrenewal of an existing license is in order, the board may refer a complaint to a dental adjudicatory panel for the purpose of holding an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act.
3. It provides that a dental adjudicatory panel, not the board, has the sole authority to hold an adjudicatory hearing conforming to the requirements of the Maine Administrative Procedure Act and take any action following an adjudicatory hearing authorized by Title 10, section 8003, subsection 5 or Title 10, section 8003-D.
4. It provides that any nonconsensual revocation of a license by a dental adjudicatory panel may be imposed only after a hearing conforming to the requirements of the Maine Administrative Procedure Act and is subject to judicial review exclusively in the Superior Court. It also provides that the board retains the authority to take any other action regarding the disposition of any complaint that does not involve an adjudicatory hearing.
5. It establishes a system of dental adjudicatory panels that are convened on a case-by-case basis from a pool of variously qualified potential panel members, each serving a 5-year term, and establishes the duties and authority of the panels.
6. It repeals the laws governing the dental adjudicatory panels September 15, 2014, but allows the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding dental adjudicatory panels to the Second Regular Session of the 126th Legislature.

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LD 972 An Act To Provide Administrative Support to the Citizen Trade Policy Commission PUBLIC 468

<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.

LD 972 was enacted by the Legislature during the First Regular Session of the 125th and held by the Governor.

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

Public Law 2011, chapter 468 provides \$12,000 in funding for administrative support for the Citizen Trade Policy Commission for fiscal year 2012-13.

LD 1207 An Act To Amend the Labor Laws Relating to Certain Agricultural Employees PUBLIC 565

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAFTS MASON	ONTP MAJ OTP-AM MIN	H-691 S-460 LANGLEY

This bill was carried over from the First Regular Session of the 125th Legislature.

It removes the provision that requires individuals employed for or at an egg processing facility that has over 300,000 laying birds be subjected to state minimum wage and overtime laws. It also repeals the laws that govern labor relations between agricultural workers and an agricultural employer that operates an egg processing facility that has over 500,000 laying birds and employs more than 100 agricultural employees.

Committee Amendment "B" (H-691)

This amendment is the minority report of the committee. It eliminates those sections of the bill that remove the requirement that individuals employed at an egg processing facility with more than 300,000 laying birds be subject to state minimum wage and overtime laws.

Senate Amendment "A" (S-460)

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This amendment requires the Department of Labor, by January 15, 2017, to review the status of labor relations in this State between agricultural employees and large agricultural employers, assess the impact of changes to the laws contained in this legislation and develop any recommendations necessary to promote agreements between agricultural employers and agricultural employees to limit industrial strife, promote stability in the farm labor force and improve the economic status of workers and businesses. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee is authorized to submit legislation to the First Regular Session of the 128th Legislature.

Enacted Law Summary

Public Law 2011, chapter 565 repeals Maine Revised Statutes, Title 26, chapter 16, Agricultural Employees Labor Relations Act.

Public Law 2011, chapter 565 also requires the Department of Labor, by January 15, 2017, to review the status of labor relations in this State between agricultural employees and large agricultural employers, assess the impact of changes to the laws contained in this legislation and develop any recommendations necessary to promote agreements between agricultural employers and agricultural employees to limit industrial strife, promote stability in the farm labor force and improve the economic status of workers and businesses. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee is authorized to submit legislation to the First Regular Session of the 128th Legislature.

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

PUBLIC 643

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON PLOWMAN	OTP-AM MAJ ONTP MIN	H-832 H-897 PRESCOTT H-916 MARTIN J

This bill was carried over from the First Regular Session of the 125th Legislature.

It 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.

Committee Amendment "A" (H-832)

This amendment, which is the majority report of the committee, standardizes the definition of "independent contractor" for employment security law and workers' compensation law. It clearly states the penalties for the misclassification of a worker as an independent contractor. The amendment also requires 2 interim reports and a final comprehensive report to the joint standing committee of the Legislature having jurisdiction over labor matters from the Workers' Compensation Board and the Department of Labor on the implementation of the new independent contractor definition.

House Amendment "B" To Committee Amendment "A" (H-897)

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This amendment specifies that a construction subcontractor is considered an independent contractor only if that person meets the definition of independent contractor.

House Amendment "C" To Committee Amendment "A" (H-916)

This amendment specifies that independent contractors who hire and pay employees are subject to the Maine Workers' Compensation Act of 1992.

Enacted Law Summary

Public Law 2011, chapter 643 standardizes the definition of "independent contractor" for employment security law and workers' compensation law. A person who performs services for remuneration is presumed to be an employee unless the employing unit proves that the person is free from the essential direction and control of the employing unit, both under the person's contract of service and in fact. A person must meet all of the following criteria:

1. The person has the essential right to control the means and progress of the work except as to final results;
2. The person is customarily engaged in an independently established trade, occupation, profession or business;
3. The person has the opportunity for profit and loss as a result of the services being performed for the other individual or entity;
4. The person hires and pays the person's assistants, if any, and, to the extent such assistants are employees, supervises the details of the assistants' work; and
5. The person makes the person's services available to some client or customer community even if the person's right to do so is voluntarily not exercised or is temporarily restricted; and

In addition to the criteria above, at least 3 of the following criteria must be met:

1. The person has a substantive investment in the facilities, tools, instruments, materials and knowledge used by the person to complete the work;
2. The person is not required to work exclusively for the other individual or entity;
3. The person is responsible for satisfactory completion of the work and may be held contractually responsible for failure to complete the work;
4. The parties have a contract that defines the relationship and gives contractual rights in the event the contract is terminated by the other individual or entity prior to completion of the work;
5. Payment to the person is based on factors directly related to the work performed and not solely on the amount of time expended by the person;
6. The work is outside the usual course of business for which the service is performed; or
7. The person has been determined to be an independent contractor by the federal Internal Revenue Service.

Public Law 2011, chapter 643 clearly states the penalties for the misclassification of a worker as an independent contractor. It also requires 2 interim reports and a final comprehensive report to the joint standing committee of the Legislature having jurisdiction over labor matters from the Workers' Compensation Board and the Department of Labor on the implementation of the new independent contractor definition.

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LD 1383 An Act To Promote a Qualified Logging Workforce and Ensure an Adequate Wood Supply for Maine Mills

PUBLIC 620

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-509

This bill was carried over from the First Regular Session of the 125th Legislature.

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."

Section 2 of the bill amends Title 26, section 873, "Recruitment for logging occupations."

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.

Committee Amendment "A" (S-509)

This amendment strikes the bill and changes the title of the bill from "An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers" to "An Act To Promote a Qualified Logging Workforce and Ensure an Adequate Wood Supply for Maine Mills." It clarifies the proof of ownership of equipment and notification requirements for bonded labor in the logging industry. The amendment specifies the timeline and the amount of fines that the Maine Department of Labor can assess for failure to provide proof of ownership and for failure of notification of certification from the U.S. Department of Labor to hire a bond worker.

The amendment eliminates the forest products recruitment clearinghouse and Foreign Labor Certification Process Fund. It establishes the Maine Department of Labor's role in recruitment efforts in collaboration with representatives from the forest industry and with the Maine Department of Education. It also creates a logging industry advisory group.

Enacted Law Summary

Public Law 2011, chapter 620 clarifies the proof of ownership of equipment and notification requirements for bonded labor in the logging industry. The amendment specifies the timeline and the amount of fines that the Maine Department of Labor can assess for failure to provide proof of ownership and for failure of notification of certification from the U.S. Department of Labor to hire a bond worker.

Public Law 2011, chapter 620 eliminates the forest products recruitment clearinghouse and Foreign Labor Certification Process Fund. It establishes the Maine Department of Labor's role in recruitment efforts in collaboration with representatives from the forest industry and with the Maine Department of Education. It also creates a logging industry advisory group.

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**LD 1437 Resolve, Directing the Maine Economic Growth Council To Develop the
Maine Prosperity Action Plan of 2012**

RESOLVE 148

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	OTP-AM	S-447

This bill was carried over from the First Regular Session of the 125th Legislature and 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,

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the referendum approach is encouraged as a way to solidify and deepen the public credibility and acceptance of the reforms.

Committee Amendment "A" (S-447)

This amendment strikes the bill, which was a concept draft, and replaces it with a resolve directing the Maine Economic Growth Council, if it receives sufficient outside funding, to develop a comprehensive and specific action plan for a sustainable state economy. Under this resolve, the council is directed to:

1. Undertake a thorough review of the proposals and recommendations contained in various reports issued within the past 6 years assessing the State's policy environment, government systems and public sector costs;
2. After reviewing the recommendations and reports, identify those proposals it determines offer the most potential for positively transforming economic conditions in the State and translate those proposals into proposed legislation; and
3. Submit the plan, together with proposed legislation necessary to implement the plan, to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters no later than December 5, 2012. The committee is authorized to report out a bill related to these recommendations to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 148 directs the Maine Economic Growth Council, if it receives sufficient outside funding, to develop a comprehensive and specific action plan for a sustainable state economy. Under this resolve, the council is directed to:

1. Undertake a thorough review of the proposals and recommendations contained in various reports issued within the past 6 years assessing the State's policy environment, government systems and public sector costs;
2. After reviewing the recommendations and reports, identify those proposals it determines offer the most potential for positively transforming economic conditions in the State and translate those proposals into proposed legislation; and
3. Submit the plan, together with proposed legislation necessary to implement the plan, to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters no later than December 5, 2012. The committee is authorized to report out a bill related to these recommendations to the First Regular Session of the 126th Legislature.

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

DIED BETWEEN HOUSES

Sponsor(s)

RUSSELL

Committee Report

REF TAX

Amendments Adopted

This bill was carried over from the First Regular Session of the 125th Legislature.

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

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defaults on the employment, wages, health care or other benefits promised by the recipient in its application for the subsidy.

This bill was referred to the Joint Standing Committee on Taxation.

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

ONTP

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

This bill was carried over from the First Regular Session of the 125th Legislature.

It 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.

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- 11. It amends the laws governing compensation for partial incapacity.
- 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.

LD 1600 An Act To Provide That Persons Hiring Assistants To Provide Home Care for Relatives Are Not Employers for Purposes of Unemployment Compensation Laws ONTP

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

This bill provides that personal care services or health care services performed in the home for an individual by a person retained to provide those services by the individual, a family member of the individual or a person sharing a household with the individual are not considered employment for the purposes of the unemployment compensation laws. The bill also corrects cross-references and updates language to incorporate subsequent statutory changes.

**LD 1607 An Act To Preserve the Integrity of the Maine Certified Public Accountant Examination PUBLIC 478
EMERGENCY**

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

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This bill requires that an applicant for the certified public accountant examination must have completed certain accounting and auditing courses in order to be eligible to take the examination.

Enacted Law Summary

Public Law 2011, chapter 478 requires that an applicant for the certified public accountant examination must have completed certain accounting and auditing courses in order to be eligible to take the examination.

Public Law 2011, chapter 478 was enacted as an emergency measure effective February 29, 2012.

LD 1608 An Act To Clarify the Laws Governing Pharmacy Interns

PUBLIC 496

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING RECTOR	OTP-AM	H-715

This bill defines a "pharmacy intern" as a person who is enrolled in or a graduate of a college or school of pharmacy, is authorized to engage in the practice of pharmacy while under the supervision of a licensed pharmacist and is registered with the Maine Board of Pharmacy. This bill also gives to the Maine Board of Pharmacy the responsibility to register pharmacy interns.

Committee Amendment "A" (H-715)

This amendment clarifies that a pharmacy intern must be under the direct supervision of a licensed pharmacist when the intern is engaging in the practice of pharmacy.

It makes a technical correction by striking the term "registration" and replacing it with "licensing" to provide consistency with terminology in the statutes relating to the Maine Board of Pharmacy. It also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2011, chapter 496 defines a "pharmacy intern" as a person who is enrolled in or a graduate of a college or school of pharmacy, is authorized to engage in the practice of pharmacy while under the direct supervision of a licensed pharmacist and is licensed with the Maine Board of Pharmacy.

LD 1619 An Act To Resolve Conflicts in the Implementation of the Maine Uniform Building and Energy Code

PUBLIC 582

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-486

This bill limits the scope and effect of the Maine Uniform Building and Energy Code to those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code. Under this bill, the requirement that a building official be certified in the enforcement of the Maine Uniform Building and Energy Code, and the inspection of buildings and issuance of occupancy permits only upon compliance with the Maine Uniform Building and Energy Code, applies only in those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform

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Building and Energy Code. This bill also specifies that a municipality that adopts the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code may do so by reference, as is allowed for other codes.

Committee Amendment "A" (S-486)

This amendment establishes the right to appeal decisions made by building officials to the municipal officers or to a municipality's board of appeals, if a local ordinance does not provide for an appeal process. It also clarifies that an appeal from a decision of a building official with respect to the issuance of an occupancy permit may be taken pursuant to an alternative appeal process established by ordinance or by an appeal to municipal officers or to a municipality's board of appeals.

Enacted Law Summary

Public Law 2011, chapter 582 limits the scope and effect of the Maine Uniform Building and Energy Code to those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code. The law specifies that the requirement for a building official to be certified in the enforcement of the Maine Uniform Building and Energy Code, and the inspection of buildings and issuance of occupancy permits only upon compliance with the Maine Uniform Building and Energy Code, applies only in those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code. It also specifies that a municipality that adopts the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code may do so by reference, as is allowed for other codes.

The law also establishes the right to appeal decisions made by building officials to the municipal officers or to a municipality's board of appeals, if a local ordinance does not provide for an appeal process. It also clarifies that an appeal from a decision of a building official with respect to the issuance of an occupancy permit may be taken pursuant to an alternative appeal process established by ordinance or by an appeal to municipal officers or to a municipality's board of appeals.

LD 1638 An Act To Enhance the Duties and Responsibilities of the Director of the Division for the Deaf, Hard of Hearing and Late Deafened

PUBLIC 474

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

This bill clarifies the Director of the Division for the Deaf, Hard of Hearing and Late Deafened has oversight of vocational rehabilitation counselors who work in the Department of Labor, Bureau of Rehabilitation Services' division of vocational rehabilitation and serve deaf, hard-of-hearing and late-deafened persons. The bill also removes language that provides that the Director of the Bureau of Rehabilitation Services appoints the Director of the Division for the Deaf, Hard of Hearing and Late Deafened.

Enacted Law Summary

Public Law 2011, chapter 474 clarifies the Director of the Division for the Deaf, Hard of Hearing and Late Deafened has oversight of vocational rehabilitation counselors who work in the Department of Labor, Bureau of Rehabilitation Services' division of vocational rehabilitation and serve deaf, hard-of-hearing and late-deafened persons. It also removes language that provides that the Director of the Bureau of Rehabilitation Services appoints the Director of the Division for the Deaf, Hard of Hearing and Late Deafened.

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LD 1658 An Act To Protect Gasoline Marketers from Liability for Selling Federally Approved Gasoline

PUBLIC 632

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-413 S-474 HASTINGS

This bill provides that a distributor or retail dealer of motor fuel is not liable for damages caused by the use of motor fuel containing more than 10% ethanol sold, consigned or distributed by that distributor or retail dealer if the sale, consignment or distribution of that motor fuel is required by federal law.

Committee Amendment "A" (S-413)

This amendment adds blenders of motor fuels containing more than 10% ethanol in the protection from liability from damages caused by the use of such motor fuel. It provides that the protection from liability is granted only to those distributors, blenders or retail dealers that have sold the motor fuel in accordance with federal law and the fuel sold is a transportation fuel or fuel additive that has received a waiver for introduction into interstate commerce by the Administrator of the United States Environmental Protection Agency pursuant to 42 United States Code, Section 7545(f)(4) (2011).

Senate Amendment "A" To Committee Amendment "A" (S-474)

This amendment changes the definition of "blender" to remove language that excludes a person who is a refiner.

Enacted Law Summary

Public Law 2011, chapter 632 provides that a distributor or retail dealer of motor fuel is not liable for damages caused by the use of motor fuel containing more than 10% ethanol sold, consigned or distributed by that distributor or retail dealer if the sale, consignment or distribution of that motor fuel is required by federal law. In addition, it provides protection from liability from damages caused by the use of such motor fuel for blenders of motor fuels containing more than 10% ethanol. The law states that the protection from liability is granted only to those distributors, blenders or retail dealers that have sold the motor fuel in accordance with federal law and the fuel sold is a transportation fuel or fuel additive that has received a waiver for introduction into interstate commerce by the Administrator of the United States Environmental Protection Agency pursuant to 42 United States Code, Section 7545(f)(4) (2011).

LD 1665 Resolve, To Direct the Department of Economic and Community Development To Convene a Task Force To Bolster and Expand Exports of Maine Products and Services

ONTP

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

This resolve directs the Department of Economic and Community Development to convene a task force to study ways to bolster and expand exports of Maine products and services and to submit a report to the 126th Legislature.

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LD 1675 Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

RESOLVE 167

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM MAJ ONTP MIN	S-412 S-442 RECTOR

This resolve establishes the Task Force To Facilitate the Development of Unoccupied Mills. The purpose of the task force is to help municipalities with unoccupied mills to develop the sites and to help improve their local economies.

Committee Amendment "A" (S-412)

This amendment is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development. This amendment strikes and replaces the resolve and requires the Department of Economic and Community Development to establish and coordinate a response team to facilitate the redevelopment of unoccupied mills and other large unoccupied buildings. The Department of Environmental Protection, the Finance Authority of Maine and the Maine State Housing Authority must participate in the response teams, and the Department of Economic and Community Development must invite the participation in the response team of a representative of a commercial real estate developer, a representative from an economic development district, a local economic development representative and a private sector representative knowledgeable in the mill redevelopment process. It provides that the response team must facilitate the Department of Economic and Community Development's efforts to redevelop unoccupied mills, other large unoccupied buildings and former schools that are now unoccupied. It requires the response team to provide assistance upon request to any municipality that is actively working to implement an unoccupied building redevelopment business plan for an unoccupied building and that has identified within the business plan possible financing resources and marketing plans for the redevelopment of the unoccupied site.

It directs the Department of Economic and Community Development to provide a report by February 1, 2013 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Governor on the coordinated response efforts. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding the response team's recommendations to the First Regular Session of the 126th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-442)

This amendment strikes the emergency preamble and emergency clause and changes from June 15, 2012, to August 1, 2012 the date by which the Department of Economic and Community Development must establish and coordinate the response team.

Enacted Law Summary

Resolve 2011, chapter 167 requires the Department of Economic and Community Development to establish and coordinate a response team starting on August 1, 2012, that will facilitate the redevelopment of unoccupied mills and other large unoccupied buildings. The Department of Environmental Protection, the Finance Authority of Maine and the Maine State Housing Authority must participate in the response teams, and the Department of Economic and Community Development must invite the participation in the response team of a representative of a commercial real estate developer, a representative from an economic development district, a local economic development representative and a private sector representative knowledgeable in the mill redevelopment process. It provides that the response team must facilitate the Department of Economic and Community Development's efforts to redevelop

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unoccupied mills, other large unoccupied buildings and former schools that are now unoccupied. It requires the response team to provide assistance upon request to any municipality that is actively working to implement an unoccupied building redevelopment business plan for an unoccupied building and that has identified within the business plan possible financing resources and marketing plans for the redevelopment of the unoccupied site.

Chapter 167 directs the Department of Economic and Community Development to provide a report by February 1, 2013 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Governor on the coordinated response efforts. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding the response team's recommendations to the First Regular Session of the 126th Legislature.

LD 1685 An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR RECTOR	OTP-AM	H-732 H-744 O'CONNOR

This bill conforms Maine law to federal law as it pertains to payment of overtime to truck drivers and driver's helpers.

Committee Amendment "A" (H-732)

This amendment maintains the overtime rate of 1 1/2 times the regular hourly rate for hours worked in excess of 40 hours per week for drivers and driver's helpers who are paid an hourly rate. The amendment directs the director of the wage and hour division within the Department of Labor to review the impact of this Act on drivers and driver's helpers with regard to changes in the method of payment, the rate of pay and whether or not the change in the standard of pay has attracted new employers and report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2014. The amendment also adds an appropriations and allocations section to the bill.

House Amendment "A" To Committee Amendment "A" (H-744)

This amendment specifies that the director of the wage and hour division within the Department of Labor must undertake the review and report within the division's existing resources and eliminates the appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 681 maintains the overtime rate of 1 1/2 times the regular hourly rate for hours worked in excess of 40 hours per week for drivers and driver's helpers who are paid an hourly rate, while exempting interstate drivers and driver's helpers who are paid by a rate other than hourly.

The law also directs the director of the wage and hour division within the Department of Labor to review and report, within existing resources, the impact on drivers and driver's helpers with regard to changes in the method of payment, the rate of pay, and whether or not the change in the standard of pay has attracted new employers. The report is due to the joint standing committee of the Legislature having jurisdiction over labor matters is by January 15, 2014.

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LD 1695 An Act To Provide Additional In-store Space for Maine's Businesses by PUBLIC 535
Removing License and Permit Posting Requirements

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT RECTOR	OTP-AM	H-726

This bill eliminates the administrative burden of publicly displaying certain permits and licenses and the use of space for the display of those licenses and permits that could be otherwise used, including: sales tax registration certificates; retail tobacco licenses, including those required to be displayed on tobacco vending machines; retail food establishment licenses; licenses for the sale of liquor; and any license or permit issued by a municipality. Instead of displaying the license or permit, a licensee or permittee must make the license or permit available on demand at the premises or at the licensee's or permittee's primary place of business.

Committee Amendment "A" (H-726)

This amendment removes provisions in the bill that allow licenses and permits to be made available at the licensee's or permittee's primary place of business, but retains the requirement that the license or permit be made available on the premises for inspection.

Enacted Law Summary

Public Law 2011, chapter 535 eliminates the administrative requirement to publicly display certain permits and licenses when the space for the display of those licenses and permits could be otherwise used, including: sales tax registration certificates; retail tobacco licenses, including those required to be displayed on tobacco vending machines; retail food establishment licenses; licenses for the sale of liquor; and any license or permit issued by a municipality. Instead of displaying the license or permit, a licensee or permittee must make the license or permit available on demand at the premises for inspection.

LD 1697 An Act Relating to the Calculation of Population for Purposes of the PUBLIC 505
Maine Uniform Building and Energy Code and Public Safety Answering EMERGENCY
Point Assessments

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

This bill provides that the residents of a correctional facility in a municipality are not included when calculating population for purposes of the Maine Uniform Building and Energy Code or in the assessment of public safety answering point fees.

Enacted Law Summary

Public Law 2011, chapter 505 provides that the residents of a correctional facility in a municipality are not included when calculating population for purposes of the Maine Uniform Building and Energy Code or in the assessment of public safety answering point fees.

Public Law 2011, chapter 505 was enacted as an emergency measure effective March 16, 2012.

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LD 1708 An Act To Prevent the Theft and Illegal Sale of Copper and Other Metals

**PUBLIC 545
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF RECTOR	OTP-AM	H-791

This bill makes the following changes to the laws regulating the sale and purchase of scrap metal.

1. Current law regulates transactions involving more than 100 pounds or \$50 of scrap metal. This bill removes that limitation so that the law applies to all scrap metal transactions.
2. Current law requires the seller to be paid with a check. This bill strengthens that limitation by requiring the check to be mailed to the seller's physical address.
3. Current law requires a scrap metal processor to record certain information regarding the seller of scrap metal, such as name, address and gender. This bill requires the scrap metal processor to also photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the scrap metal processor is required to photograph the seller. The bill also requires the scrap metal processor to record the make, model and number and state of issue of the license plate of the vehicle being used to deliver the scrap metal.
4. This bill requires a scrap metal processor to retain any scrap metal received for 72 hours, not including weekends and holidays, and to make the scrap metal available for inspection by law enforcement. If a law enforcement officer has a reasonable suspicion that the scrap metal is stolen, the officer may, in writing, require the scrap metal processor to retain the scrap metal for 15 days; this holding period may be extended by no more than 15 additional days.
5. Current law provides that a violation of the laws regulating scrap metal purchases and sales is a civil violation. This bill makes a first violation of providing false information a Class D crime and a first violation of receiving stolen scrap metal a Class E crime; a 2nd or subsequent violation of those prohibitions is a Class C crime. A scrap metal processor is also subject to mandatory fines ranging from \$1,000 to \$5,000 and a 6-month suspension from scrap metal processing, depending on the number of violations.

Committee Amendment "A" (H-791)

This amendment broadens the definition for "scrap metal processor" to include any scrap metal processors that purchase scrap metal, whether from a fixed location or not. It adds the requirement that the signed statement made by the seller that the seller is the owner or is otherwise authorized to sell the scrap metal be made on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under the Maine Revised Statutes, Title 17-A, section 453.

The amendment removes the 72-hour minimum hold for all scrap metal purchased by the scrap metal processor. It also amends the holding period and the additional holding period that apply if a law enforcement officer has a reasonable suspicion that scrap metal being held by a scrap metal processor is stolen from 15 days to 7 days. It also clarifies that if a law enforcement officer has a reasonable suspicion that the scrap metal may be related to criminal activity, the officer may impose a hold.

It also removes the section of the bill that proposes to establish new crimes, which are already addressed under current provisions of the Maine Criminal Code. It provides for mandatory fines to be adjudged for civil violations of

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the scrap metal processors laws.

It requires the Commissioner of Public Safety to review the concept of using a statewide integrated criminal alert network to track scrap metal thefts across the State, as well as the costs associated with requiring scrap metal processors and local law enforcement agencies to access a database designed for the purpose of alerting participating members to scrap metal thefts. It requires the commissioner to report back to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters as to the merits and costs of using such a network by January 15, 2013. It authorizes the joint standing committee to report out a bill implementing the recommendations in the report to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 545 makes the following changes to the laws regulating the sale and purchase of scrap metal.

1. It provides that the law applies to all scrap metal transactions, regardless of the cost of the transaction and it broadens the definition for "scrap metal processor" to include any scrap metal processors that purchase scrap metal, whether from a fixed location or not.
2. It requires the scrap metal processor to photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the scrap metal processor is required to photograph the seller. The law also requires the scrap metal processor to record the make, model and number and state of issue of the license plate of the vehicle being used to deliver the scrap metal.
3. It adds the requirement that the signed statement made by the seller that the seller is the owner or is otherwise authorized to sell the scrap metal be made on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under the Maine Revised Statutes, Title 17-A, section 453.
4. If a law enforcement officer has a reasonable suspicion that the scrap metal is stolen or related to criminal activity, it allows the officer to require the scrap metal processor to retain the scrap metal for a period of time that may not exceed 7 days. Prior to the expiration of the hold, the officer may impose an additional hold for a period not to exceed 7 days.
5. It requires that the signed statement made by the seller that the seller is the owner or is otherwise authorized to sell the scrap metal be made on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under the Maine Revised Statutes, Title 17-A, section 453.
6. It provides for mandatory fines to be adjudged for civil violations of the scrap metal processors laws.
7. It requires the Commissioner of Public Safety to review the concept of using a statewide integrated criminal alert network to track scrap metal thefts across the State, as well as the costs associated with requiring scrap metal processors and local law enforcement agencies to access a database designed for the purpose of alerting participating members to scrap metal thefts. It requires the commissioner to report back to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters as to the merits and costs of using such a network by January 15, 2013. It authorizes the joint standing committee to report out a bill implementing the recommendations in the report to the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 545 was enacted as an emergency measure effective March 29, 2012.

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

LD 1715 An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines

PUBLIC 577

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS RECTOR	OTP-AM	H-815

This bill makes the following changes to the laws governing the administration of vaccines by licensed pharmacists:

1. It broadens the scope of vaccines that a licensed pharmacist may administer to a person 18 years of age or older to allow for the administration of any vaccines licensed by the United States Department of Health and Human Services, Food and Drug Administration; and
2. It requires one-time approval from the Maine Board of Pharmacy of a pharmacist's or pharmacy's plan of operation for vaccine administration clinics and requires the board to adopt by rule criteria for the approval of such clinics.

Committee Amendment "A" (H-815)

This amendment narrows the scope of vaccines that a licensed pharmacist may administer proposed in the bill from all vaccines licensed by the United States Food and Drug Administration to vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices for administration to adults. It also allows for the administration of a vaccine by a pharmacist according to a valid prescription from a nurse practitioner. It also strikes the term "drug" from the reference to vaccine clinics to clarify that vaccine clinics are for the administration of only vaccines and not other drugs, except those drugs that may be administered in the event of an adverse reaction to a vaccine. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 577 makes the following changes to the laws governing the administration of vaccines by licensed pharmacists.

1. It broadens the scope of vaccines that a licensed pharmacist may administer to a person 18 years of age or older to allow for the administration of vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices for administration to adults;
2. It allows for the administration of a vaccine by a pharmacist according to a valid prescription from a nurse practitioner; and
3. It requires one-time approval from the Maine Board of Pharmacy of a pharmacist's or pharmacy's plan of operation for vaccine administration clinics and requires the board to adopt by rule criteria for the approval of such clinics.

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

LD 1725 An Act To Strengthen the Unemployment Insurance Laws and Reduce Unemployment Fraud

PUBLIC 645

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM MAJ OTP-AM MIN	S-483 S-545 MARTIN T

This bill amends the employment security laws pertaining to specific benefit eligibility requirements, including work search, suitable work, misconduct, unemployment fraud disqualification and participation in the reemployment eligibility assessment services.

The bill provides it is an individual's responsibility to seek work and report work search efforts to the Maine Unemployment Insurance Commission and that failure to do so without good cause results in the loss of benefits; participation in the reemployment eligibility assessment services is mandatory and failure to comply without good cause results in the loss of benefits; and unemployment fraud for amounts exceeding \$1,000 are either Class C or Class B crimes depending on the benefit amount involved. This change is consistent with the current prosecution of these crimes as theft under the Maine Revised Statutes, Title 17-A.

The bill increases the earnings requirement for requalifying for benefits after disqualification for refusing suitable work from 8 times the individual's weekly benefit amount to 10 times; changes the requirement that the individual must broaden the individual's work search after 6 weeks of unemployment rather than 12 weeks; increases the earnings requirement to requalify for benefits after a misconduct disqualification from 4 times the individual's weekly benefit amount to 10 times; imposes an indefinite disqualification from receiving benefits upon a 3rd determination of unemployment fraud; and adds vacation pay to the types of remuneration for which unemployment benefits are offset.

Committee Amendment "A" (S-483)

This amendment, which is the majority report of the committee, amends the bill to clarify criminal prosecutions may be brought against both individuals and employers who commit unemployment fraud. It adds child care emergencies and transportation emergencies to the list of good cause exceptions for registering for work, being able and available for work and participating in reemployment services. It changes the amount of earnings an individual must make before qualifying for benefits after being discharged for misconduct from 10 times the weekly benefit amount to 8 times the weekly benefit amount. It changes the number of weeks after which an individual must broaden the individual's work search requirements from 6 weeks to 10 weeks. The amendment also clarifies the Commissioner of Labor may determine the amount of time a claimant is disqualified from receiving benefits after a 3rd occurrence of statement falsification or misrepresentation. It requires the Department of Labor to explore alternatives to in-person participation in reemployment eligibility assessment sessions if travel is unduly burdensome.

Committee Amendment "B" (S-484)

This amendment, which is the minority report of the committee, amends the bill to clarify criminal prosecutions may be brought against both individuals and employers who commit unemployment fraud. It adds child care emergencies and transportation emergencies to the list of good cause exceptions for registering for work, being able and available for work and participating in reemployment services. It changes the amount of earnings an individual must make before qualifying for benefits after being discharged for misconduct from 10 times the weekly benefit amount to 8 times the weekly benefit amount. It retains the current law provision that an individual must broaden the individual's work search requirements after 12 weeks. The amendment removes vacation pay from the list of remuneration from which benefits may be reduced. The amendment also clarifies the Commissioner of Labor may determine the

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amount of time a claimant is disqualified from receiving benefits after a 3rd occurrence of statement falsification or misrepresentation. It requires the Department of Labor to explore alternatives to in-person participation in reemployment eligibility assessment sessions if travel is unduly burdensome.

Senate Amendment "C" (S-545)

The bill adds vacation pay to the types of remuneration for which unemployment benefits are offset. This amendment limits the offset for vacation pay to the amount that exceeds 4 weeks of wages for an individual and further excludes from the offset, vacation pay that is paid to the individual prior to the individual's being notified of severance by the employer.

Enacted Law Summary

Public Law 2011, chapter 645 amends the employment security laws pertaining to specific benefit eligibility requirements, including work search, suitable work, misconduct, unemployment fraud disqualification and participation in the reemployment eligibility assessment services.

It provides that it is an individual's responsibility to seek work and report work search efforts to the Maine Unemployment Insurance Commission and failure to do so without good cause, which includes child care emergencies and transportation emergencies, results in the loss of benefits; participation in the reemployment eligibility assessment services is mandatory and failure to comply without good cause, which includes child care emergencies and transportation emergencies, results in the loss of benefits. It clarifies criminal prosecutions may be brought against both individuals and employers who commit unemployment fraud.

Public Law 2011, chapter 645 increases the earnings requirement for requalifying for benefits after disqualification for refusing suitable work from 8 times the individual's weekly benefit amount to 10 times; changes the requirement that the individual must broaden the individual's work search after 10 weeks of unemployment rather than 12 weeks; increases the earnings requirement to requalify for benefits after a misconduct disqualification from 4 times the individual's weekly benefit amount to 8 times; and clarifies the Commissioner of Labor may determine the amount of time a claimant is disqualified from receiving benefits after a 3rd occurrence of statement falsification or misrepresentation.

Finally, it adds vacation pay to the types of remuneration for which unemployment benefits are offset. The offset for vacation pay is limited to the amount that exceeds 4 weeks of wages for an individual and further excludes from the offset vacation pay that is paid to the individual prior to the individual's being notified of severance by the employer.

LD 1729 An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities PUBLIC 483

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

This bill updates current law to parallel requirements relating to the federal minimum wage outlined in Section 14(c) of the federal Fair Labor Standards Act of 1938. The revision permits the issuance of a certificate to an employer for the hiring of one or more persons with disabilities at a rate commensurate with the ability of those persons to perform the duties required in comparison to the ability of a person who does not have a disability. It extends the length of time a certificate is valid from one year to 2 years. As in current law, a certificate may be renewed.

Enacted Law Summary

Public Law 2011, chapter 483 updates current law to parallel requirements relating to the federal minimum wage outlined in Section 14(c) of the federal Fair Labor Standards Act of 1938. The revision permits the issuance of a

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certificate to an employer for the hiring of one or more persons with disabilities at a rate commensurate with the ability of those persons to perform the duties required in comparison to the ability of a person who does not have a disability. It extends the length of time a certificate is valid from one year to 2 years. A certificate may be renewed.

LD 1733 An Act To Provide for the 2012 and 2013 Allocations of the State Ceiling on Private Activity Bonds

**P & S 23
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-388

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2012 and 2013. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-388)

This amendment adds an emergency preamble and emergency clause to the bill for the allocation of the state ceiling on private activity bonds for the 2012 and 2013 allocations. The amendment makes corrections to ensure the proper allocations of the state ceiling on issuance of tax-exempt bonds.

Enacted Law Summary

Private and Special Law 2011, chapter 23 establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2012 and 2013. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2011, chapter 23 was enacted as an emergency measure effective March 14, 2012.

LD 1776 Resolve, To Streamline Forester Licensing Requirements

RESOLVE 130

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-406

This resolve requires the Department of Professional and Financial Regulation, Board of Licensure of Foresters and the Department of Conservation, Maine Forest Service to jointly develop recommendations for simplifying the licensing requirements for foresters, including exempting applicants with a specific level of experience and knowledge from the education requirements and repealing the requirement that foresters complete an internship. The board is required to submit the recommendations and implementing legislation to the 126th Legislature.

Committee Amendment "A" (S-406)

This amendment requires the Department of Professional and Financial Regulation, Board of Licensure of Foresters and the Department of Conservation, Maine Forest Service to include in their joint recommendations ways to simplify the testing requirements for foresters. It also removes from the resolve the requirement that the joint recommendations include the repeal of the internship requirement for the forester license.

Enacted Law Summary

Resolve 2011, chapter 130 requires the Department of Professional and Financial Regulation, Board of Licensure of

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Foresters and the Department of Conservation, Maine Forest Service to jointly develop recommendations for simplifying the licensing requirements for foresters. The simplification includes exempting applicants with a specific level of experience and knowledge from the education requirements and simplifying the testing requirements for foresters. The board is required to submit the recommendations and implementing legislation to the 126th Legislature.

LD 1777 An Act To Correct an Inconsistency in the Employment Security Law

PUBLIC 516

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP	S-399 RECTOR

This bill addresses an inconsistency in the treatment of unemployment benefits for persons receiving pensions. Under current law an individual who otherwise qualifies for unemployment benefits is completely denied benefits if the individual receives a pension that was contributed to solely by a base period employer. The complete denial of benefits is inconsistent with the treatment of individuals who contributed less than 50% to their pension, which results in only a partial reduction in benefits. This bill seeks to remedy this apparent inconsistency in the rare occurrences when the pension contributions were made solely by the base period employer by reducing unemployment benefits based on the amount of the pension.

Senate Amendment "A" (S-399)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 516 addresses an inconsistency in the treatment of unemployment benefits for persons receiving pensions. Under current law an individual who otherwise qualifies for unemployment benefits is completely denied benefits if the individual receives a pension that was contributed to solely by a base period employer. The complete denial of benefits is inconsistent with the treatment of individuals who contributed less than 50% to their pension, which results in only a partial reduction in benefits. Public Law 2011, chapter 516 seeks to remedy this apparent inconsistency in the rare occurrences when the pension contributions were made solely by the base period employer by reducing unemployment benefits based on the amount of the pension.

LD 1778 An Act Relating to the Governance of the Maine State Housing Authority

PUBLIC 560

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-467

This bill removes the provision of law that provides that the Director of the Maine State Housing Authority serves a 4-year term of office. The bill provides that the director does not have a term of office and that the director serves at the pleasure of the commissioners of the Maine State Housing Authority. It also removes the provision of law that states that the powers and duties of the Maine State Housing Authority, with certain exceptions, are vested solely in the Director of the Maine State Housing Authority.

Committee Amendment "A" (S-467)

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This amendment replaces the bill. It makes the following changes to the laws governing the Maine State Housing Authority.

1. It removes references in the statute to the advisory board, which is no longer used.
2. It establishes that the powers of the Maine State Housing Authority are vested in the commissioners, and removes the provision that vested that authority with the director, as well as removes provisions that limited the role of the commissioners of the Maine State Housing Authority to establishing and revising the policies of the Maine State Housing Authority relating to particular matters.
3. It provides that the commissioners may delegate such powers and duties to the director of the Maine State Housing Authority as they determine appropriate.
4. It allows the chair to vote when the chair's vote will affect the result, instead of only in the event of a tie.
5. It provides that action may be taken by the commissioners upon a vote of a majority of the commissioners present, unless otherwise specified in law or required by the Maine State Housing Authority's bylaws.
6. It establishes the director as the chief administrative officer of the Maine State Housing Authority and removes the director's term of office.
7. It establishes that the commissioners, instead of the Governor, establish the rate and amount of compensation of the director and that the commissioners are responsible for the performance review and termination of the director. It provides that any decision to terminate the director must be done by an affirmative vote of at least 5 commissioners.
8. It provides that the director of the Maine State Housing Authority is responsible for supervising the administrative affairs and technical activities of the Maine State Housing Authority in accordance with the rules and policies established by the commissioners.
9. It amends the section governing the removal of the commissioners and director to reflect the changes made authorizing the removal of the director by the commissioners.
10. It establishes staggered terms for the commissioners of the Maine State Housing Authority.

Enacted Law Summary

Public Law 2011, chapter 560 makes the following changes to the laws governing the Maine State Housing Authority.

1. It removes references in the statute to the advisory board, which is no longer used.
2. It establishes that the powers of the Maine State Housing Authority are vested in the commissioners, and removes the provision that vested that authority with the director, as well as removes provisions that limited the role of the commissioners of the Maine State Housing Authority to establishing and revising the policies of the Maine State Housing Authority relating to particular matters.
3. It provides that the commissioners may delegate such powers and duties to the director of the Maine State Housing Authority as they determine appropriate.
4. It allows the chair to vote when the chair's vote will affect the result, instead of only in the event of a tie.
5. It provides that action may be taken by the commissioners upon a vote of a majority of the commissioners

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present, unless otherwise specified in law or required by the Maine State Housing Authority's bylaws.

- 6. It establishes the director as the chief administrative officer of the Maine State Housing Authority and removes the director's term of office.
- 7. It establishes that the commissioners, instead of the Governor, establish the rate and amount of compensation of the director and that the commissioners are responsible for the performance review and termination of the director. It provides that any decision to terminate the director must be done by an affirmative vote of at least 5 commissioners.
- 8. It provides that the director of the Maine State Housing Authority is responsible for supervising the administrative affairs and technical activities of the Maine State Housing Authority in accordance with the rules and policies established by the commissioners.
- 9. It amends the section governing the removal of the commissioners and director to reflect the changes made authorizing the removal of the director by the commissioners.
- 10. It establishes staggered terms for the commissioners of the Maine State Housing Authority.

LD 1786 An Act To Amend the Requirement That the Department of Labor Calculate the Livable Wage

PUBLIC 569

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT RECTOR	OTP-AM	H-810

Current law requires the Department of Labor to biennially calculate the livable wage for households in the State's counties and municipalities by family size; the department is required to report this calculation to the Legislature. This bill removes the requirement that the department calculate the livable wage as well as the reporting requirement.

Committee Amendment "A" (H-810)

This amendment repeals the current law that requires the Department of Labor to calculate the livable wage, develop a basic needs budget based on a number of different sizes of families and report its findings to the Legislature.

This amendment requires the department to calculate the livable wage and develop a basic needs budget based on, at a minimum, a representative family size of a 2-parent household with 2 earners and 2 children and report the results to the Legislature, but only if funds are appropriated.

Enacted Law Summary

Public Law 2011, chapter 569 requires the department to calculate the livable wage and develop a basic needs budget based on, at a minimum, a representative family size of a 2-parent household with 2 earners and 2 children and report the results biennially to the Legislature, but only if funds are appropriated.

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LD 1787 An Act To Create Efficiencies in the Administration and Enforcement of the Maine Uniform Building and Energy Code

PUBLIC 633

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT	OTP-AM	H-892

The purpose of this bill is to create efficiencies in the administration and enforcement of the Maine Uniform Building and Energy Code, primarily by abolishing the Department of Public Safety, Bureau of Building Codes and Standards and moving its authority and responsibilities to a new division created in the Office of the State Fire Marshal. This bill also corrects cross-references and inconsistencies in the threshold for municipal populations to which the provisions of the Maine Uniform Building and Energy Code apply.

Committee Amendment "A" (H-892)

This amendment removes provisions in the bill that are also included in the Governor's 2nd supplemental budget that transfer the duties and responsibilities of the State Planning Office to the Department of Economic and Community Development, Office of Community Development. It also removes provisions in the bill that proposed to address an inconsistency in the threshold for municipal populations to which the provisions of the Maine Uniform Building and Energy Code apply, as the resolution of this inconsistency is addressed in Legislative Document 1619, "An Act To Resolve Conflicts in the Implementation of the Maine Uniform Building and Energy Code." The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 633 abolishes the Department of Public Safety, Bureau of Building Codes and Standards and moves its authority and responsibilities to a new division created in the Office of the State Fire Marshal.

LD 1800 An Act To Conform Maine Apprenticeship Program Standards with Federal Apprenticeship Regulations

PUBLIC 491

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

Recent changes to federal regulations provide that only a state agency that can be held accountable may be responsible for oversight and administration of state apprenticeship programs. In order to comply with these changes, this bill eliminates the Maine Job Council's Standing Committee on Apprenticeship and creates the Maine Apprenticeship Program within the Department of Labor. The bill also creates the Maine Apprenticeship Council to assist and advise the department in administering the program.

Enacted Law Summary

Public Law 2011, chapter 491 eliminates the Maine Job Council's Standing Committee on Apprenticeship and creates the Maine Apprenticeship Program within the Department of Labor. The law also creates the Maine Apprenticeship Council to assist and advise the department in administering the program.

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LD 1832 An Act To Increase the Amount of Time an Employer May Employ an Employee without Being Charged for Unemployment Benefits

PUBLIC 499

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

This bill is submitted by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Resolve 2011, chapter 85. The bill changes from 5 weeks to 6 weeks the amount of time an employer may employ an employee without being charged for unemployment benefits; it also establishes a repeal date of March 14, 2014 for that change.

The bill enacts, beginning March 14, 2014, a reversion back to 5 weeks for the amount of time an employer may employ an employee without being charged for unemployment benefits.

The bill requires a report from the Commissioner of Labor to the joint standing committee of the Legislature having jurisdiction over labor matters, which is authorized to introduce a bill.

Enacted Law Summary

Public Law 2011, chapter 499 changes the amount of time an employer may employ an employee without being charged for unemployment benefits from 5 weeks to 6 weeks; it also establishes a repeal date of March 14, 2014 for that change.

Beginning March 14, 2014, the law reverts back to 5 weeks for the amount of time an employer may employ an employee without being charged for unemployment benefits.

Public Law 2011, chapter 499 requires a report from the Commissioner of Labor to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect the change in weeks has on the Unemployment Insurance Trust Fund, employers and employees. It also authorizes the committee to introduce a bill related to this report to the Second Regular Session of the 126th Legislature.

LD 1833 An Act To Encourage Enrollment in Electrical Education Programs

PUBLIC 650

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING RECTOR	OTP-AM MAJ OTP-AM MIN	H-837 H-871 DAVIS

This bill amends the electrician licensing laws by changing the number of helper electricians that may work with and be supervised by a journeyman electrician from one to 2. The bill also requires the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to amend its rules to exempt a high school student from paying the fee for a license to be a helper electrician.

Committee Amendment "B" (H-837)

This amendment is the minority report of the committee. It replaces section 1 of the bill and amends the electrician

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licensing laws by changing the number of helper and apprentice electricians that may work with and be supervised by a master electrician, limited electrician or journeyman electrician from one to 2, as long as the 2 helper electricians are both currently enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the Electricians' Examining Board or from an accredited institution. It also requires the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to provide a report by February 1, 2014 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on the impact of the increase in the ratio of helper and apprentice electricians working under a master electrician, limited electrician or journeyman electrician and identify any safety issues or licensing concerns that may have arisen as a result of the increase in the ratio. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to submit a bill on the issues raised by the increase in the ratio of helper and apprentice electricians to the Second Regular Session of the 126th Legislature.

House Amendment "A" To Committee Amendment "B" (H-871)

This amendment extends the helper electrician license fee exemption to community college students approved by the Electricians' Examining Board and changes the title of the bill to reflect that change.

Enacted Law Summary

Public Law 2011, chapter 650 amends the electrician licensing laws by changing the number of helper and apprentice electricians that may work with and be supervised by a master electrician, limited electrician or journeyman electrician from one to 2, as long as the 2 helper electricians are both currently enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the Electricians' Examining Board or from an accredited institution. It requires the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to amend its rules to exempt a high school student, or community college student approved by the Electricians' Examining Board, from paying the fee for a license to be a helper electrician.

It requires the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to provide a report by February 1, 2014 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on the impact of the increase in the ratio of helper and apprentice electricians working under a master electrician, limited electrician or journeyman electrician and identify any safety issues or licensing concerns that may have arisen as a result of the increase in the ratio. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to submit a bill on the issues raised by the increase in the ratio of helper and apprentice electricians to the Second Regular Session of the 126th Legislature.

LD 1836 An Act To Facilitate Rapid Response by Out-of-state Businesses to State Disasters

**PUBLIC 622
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT RECTOR	OTP-AM MAJ ONTP MIN	H-868

This bill allows an out-of-state business to enter the State when a Governor's state of emergency proclamation or a declaration by the President of the United States of a major disaster or emergency has been issued without subjecting that out-of-state business or its employees to the licensing, registration and taxation requirements imposed on businesses and individuals that reside in the State. Following the disaster period, which ends 60 days after the disaster or emergency is over, any exemption ends. A business or employee that continues to reside in the State after the disaster period ends is subject to all registration, licensing and taxation requirements normally imposed.

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Committee Amendment "A" (H-868)

This amendment is the majority report of the committee. It removes the blanket exemption from all sales and income taxes for businesses and employees of those businesses that enter the State during a declared state disaster or emergency. Instead, this amendment amends the Maine tax laws to provide for an exclusion from the use tax of property brought into the State by an out-of-state business and income earned by an employee of an out-of-state business during the disaster period. The amendment also provides that rulemaking is not mandatory to implement the provisions and removes the Department of Administrative and Financial Services, Bureau of Revenue Services from the list of agencies that the Secretary of State consults with prior to adopting rules.

Enacted Law Summary

Public Law 2011, chapter 622 allows an out-of-state business to enter the State when a Governor's state of emergency proclamation or a declaration by the President of the United States of a major disaster or emergency has been issued without subjecting that out-of-state business or its employees to certain licensing, registration and taxation requirements imposed on businesses and individuals that reside in the State. It amends the Maine tax laws to provide for an exclusion from the use tax of property brought into the State by an out-of-state business and income earned by an employee of an out-of-state business during the disaster period. Following the disaster period, any exemption ends. A business or employee that continues to reside in the State after the disaster period ends is subject to all registration, licensing and taxation requirements normally imposed.

Public Law 2011, chapter 622 was enacted as an emergency measure effective April 12, 2012.

LD 1844 An Act To Amend the Laws Governing the Governor's Training Initiative Program

PUBLIC 573

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

This bill changes the name of the Governor's Training Initiative Program to the Governor's Jobs Initiative Program, and it also specifies that the efforts of the program are limited to the extent of available resources. The bill also fixes a cross-reference.

Enacted Law Summary

Public Law 2011, chapter 573 changes the name of the Governor's Training Initiative Program to the Governor's Jobs Initiative Program, and it also specifies that the efforts of the program are limited to the extent of available resources.

LD 1850 An Act To Assist Maine's Current and Former Members of the United States Armed Forces

PUBLIC 603

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-492

This bill authorizes the Commissioner of Professional and Financial Regulation to recommend legislation or other measures to the Governor and the Legislature to assist current and former members of the United States Armed

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Forces in obtaining professional licenses in Maine related to the service members' relevant training and experience. It also authorizes the Secretary of State to provide a temporary registration plate to a member of the United States Armed Forces to operate a motor vehicle or trailer for 30 days if that service member has recently returned to the State from a deployment outside the continental United States.

Committee Amendment "A" (S-492)

This amendment strikes the provision in the bill that authorizes the Secretary of State to provide a temporary registration plate to a member of the United States Armed Forces to operate a motor vehicle or trailer for 30 days.

Enacted Law Summary

Public Law 2011, chapter 603 authorizes the Commissioner of Professional and Financial Regulation to recommend legislation or other measures to the Governor and the Legislature to assist current and former members of the United States Armed Forces in obtaining professional licenses in Maine related to the service members' relevant training and experience.

LD 1874 An Act To Rename the Maine Jobs Council as the State Workforce Investment Board and Make Changes to Its Structure

PUBLIC 627

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN T	OTP-AM	S-511

This bill changes the name of the Maine Jobs Council to the State Workforce Investment Board. The bill also renames the technical support group for the Maine Jobs Council as the Program Policy Committee, makes it a standing committee of the board and changes the possible membership on the Program Policy Committee to include representatives of organizations that conduct programs or activities specified in the federal Workforce Investment Act of 1998. The bill adds 2 other standing committees to the board, one on older workers and one on veterans employment. It repeals the Standing Committee on Apprenticeship, the duties of that standing committee and the requirement that the council perform the duties of the former Maine Occupational Information Coordinating Committee. The bill corrects references to the Maine Jobs Council to comport with the new name.

Committee Amendment "A" (S-511)

This amendment resolves conflicts in the bill created by the enactment of Public Law 2011, chapter 491.

Enacted Law Summary

Public Law 2011, chapter 627 changes the name of the Maine Jobs Council to the State Workforce Investment Board. It renames the technical support group for the Maine Jobs Council as the Program Policy Committee, makes it a standing committee of the board and changes the possible membership on the Program Policy Committee to include representatives of organizations that conduct programs or activities specified in the federal Workforce Investment Act of 1998. It also adds 2 other standing committees to the board, one on older workers and one on veterans employment. It repeals the Standing Committee on Apprenticeship, the duties of that standing committee and the requirement that the council perform the duties of the former Maine Occupational Information Coordinating Committee.

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

LD 1877 An Act To Clarify Authorized Associations of Veterinary Practice

**PUBLIC 594
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-487

Current law requires a veterinarian to practice veterinary medicine under the veterinarian's own name or as part of a professional association. The joint practice with another person or corporation that is not licensed to practice veterinary medicine is prohibited.

This bill allows a licensed veterinarian to practice veterinary medicine as a salaried employee of a corporation or other legal entity that provides veterinarian-related services, such as diagnostic laboratory services, research and development and certification for import or export, as long as that veterinarian remains individually accountable for conduct under that veterinarian's license.

Committee Amendment "A" (S-487)

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

Enacted Law Summary

Public Law 2011, chapter 594 allows a licensed veterinarian to practice veterinary medicine as a salaried employee of a corporation or other legal entity that provides veterinarian-related services, such as diagnostic laboratory services, research and development and certification for import or export, as long as that veterinarian remains individually accountable for conduct under that veterinarian's license.

Public Law 2011, chapter 594 was enacted as an emergency measure effective April 5, 2012.

LD 1885 An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund

PUBLIC 698

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON	OTP-AM MAJ	H-893
RAYE	OTP-AM MIN	S-548 RAYE

This bill directs the Board of Trustees of the University of Maine System to apportion a minimum of 3% of the annual disbursements from the Maine Economic Improvement Fund among the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias and the University of Maine at Presque Isle to support research and development.

Committee Amendment "A" (H-893)

This amendment is the majority report of the committee. It amends the section of the bill that requires the Board of Trustees of the University of Maine System to apportion beginning this year a minimum of 3% of the annual disbursements from the Maine Economic Improvement Fund among the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias and the University of Maine at Presque Isle to support research and development. Instead, the amendment requires the

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board to set the percentage of the annual disbursements to these university campuses beginning July 1, 2013, at a minimum of 2.5% of the annual disbursement and beginning July 1, 2015, at a minimum of 3% of the annual disbursement.

It also requires the board to include in its annual report to the Governor and the Legislature on the Maine Economic Improvement Fund a summary of the research and development projects at the smaller universities that have been funded as a result of these disbursements from the fund, as well as any external funding sources that have been leveraged as a result of these awards.

Senate Amendment "A" To Committee Amendment "A" (S-548)

This amendment establishes the Maine Economic Improvement Fund Task Force to review the Maine Economic Improvement Fund and recommend any changes necessary to enhance investment in targeted research and development and product innovation and to provide basic investment necessary to obtain matching funds and competitive grants from private and federal sources.

Enacted Law Summary

Public Law 2011, chapter 698 requires the Board of Trustees of the University of Maine System to support research and development at the following university campuses by setting the percentage of the annual disbursements from the Maine Economic Improvement Fund beginning July 1, 2013, at a minimum of 2.5% of the annual disbursement, and beginning July 1, 2015, at a minimum of 3% of the annual disbursement: the University of Maine at Augusta; the University of Maine at Farmington; the University of Maine at Fort Kent; the University of Maine at Machias; and the University of Maine at Presque Isle.

The law also requires the board to include in its annual report on the Maine Economic Improvement Fund a summary of the research and development projects at the smaller universities that have been funded as a result of these disbursements from the fund, as well as any external funding sources that have been leveraged as a result of these awards.

The law also establishes the Maine Economic Improvement Fund Task Force to review the Maine Economic Improvement Fund and recommend any changes necessary to enhance investment in targeted research and development and product innovation, as well as to provide basic investment necessary to obtain matching funds and competitive grants from private and federal sources.

LD 1890 An Act To Streamline the Process for Minors To Obtain a Work Permit

**MAJORITY
(ONTP) REPORT**

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

This bill attempts to simplify the process for minors to obtain work permits by creating a general work permit, which may be issued to a minor by a superintendent of schools of the school administrative unit in which the minor resides. The general work permit allows for summer and school-year employment. The bill also creates a master certificate for employers, which identifies those employers who provide jobs that are safe and age-appropriate for minors. The bill describes the process of distributing information regarding approved employers through the Department of Labor's publicly accessible website and career centers and the state Job Bank. Finally, the bill sets out safe working conditions and the consequences to employers if those conditions are not maintained.

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

LD 1891 Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State

RESOLVE 153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM MAJ OTP-AM MIN	S-489

Resolve 2011, chapter 67 established a pilot project for independent practice dental hygienists to expose and process radiographs in underserved areas of the State and authorized the Board of Dental Examiners to adopt rules to implement the pilot project. This resolve clarifies that the rules for the pilot project must allow an independent practice dental hygienist to expose and process all dental radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series.

Committee Amendment "A" (S-489)

This amendment is the majority report of the committee. It removes the emergency preamble and emergency clause and also amends Resolve 2011, chapter 67 by extending the pilot project for independent practice dental hygienists to process radiographs in underserved areas of the State by one year.

Enacted Law Summary

Resolve 2011, chapter 153 amends Resolve 2011, chapter 67 by specifying the rules for the pilot project must allow an independent practice dental hygienist to expose and process all dental radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series. It also amends Resolve 2011, chapter 67 by extending the pilot project for independent practice dental hygienists to process radiographs in underserved areas of the State by one year.

LD 1894 An Act To Restore Departmental Management over Costs of State-paid Child Care

PUBLIC 641

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM MAJ ONTP MIN	S-515

The purpose of this bill is to repeal the requirement that the State engage in collective bargaining with non-state-employee family child care providers.

Committee Amendment "A" (S-515)

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

Enacted Law Summary

Public Law 2011, chapter 641 repeals the requirement that the State engage in collective bargaining with non-state-employee family child care providers.

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

**LD 1895 An Act To Protect Consumers by Strengthening the Laws Governing
Prepaid Home Heating Oil Contracts**

**PUBLIC 574
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill is reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Resolve 2011, chapter 79. It requires a dealer who offers prepaid contracts for home heating oil, kerosene or liquefied petroleum gas to residents of this State to register the dealer's intent to offer such contracts with the Commissioner of Professional and Financial Regulation by June 30th of each year and pay a fee of \$100 to be used by the commissioner in administering the laws regarding such contracts. It requires such a dealer to file a report with the commissioner by October 31st of each year demonstrating compliance.

The bill requires that the annual report be made on a form provided by the commissioner and that the form conspicuously bear notice that a false statement made on the form is punishable as a Class D crime. The report must be signed by the dealer, or, if the dealer is a corporation, the report must be signed by either the president or an officer of the corporation and include a list of all of the members of the board of directors of the corporation. There is no fee for the annual report. The bill also requires the commissioner to refer to the Attorney General for prosecution any registered dealer who fails to provide the required report or who makes a false statement on the required report. The bill provides that a violation of any of the requirements of the Maine Revised Statutes, Title 10, section 1110 is a violation of the Maine Unfair Trade Practices Act. The bill includes an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 574 requires a dealer who offers prepaid contracts for home heating oil, kerosene or liquefied petroleum gas to residents of this State to register the dealer's intent to offer such contracts with the Commissioner of Professional and Financial Regulation by June 30th of each year and pay a fee of \$100 to be used by the commissioner in administering the laws regarding such contracts. It requires such a dealer to file a report with the commissioner by October 31st of each year demonstrating compliance.

The law requires the annual report be made on a form provided by the commissioner and that the form conspicuously bear notice that a false statement made on the form is punishable as a Class D crime. The report must be signed by the dealer, or, if the dealer is a corporation, the report must be signed by either the president or an officer of the corporation and include a list of all of the members of the board of directors of the corporation. There is no fee for the annual report. It also requires the commissioner to refer to the Attorney General for prosecution any registered dealer who fails to provide the required report or who makes a false statement on the required report. The law provides that a violation of any of the requirements of the Maine Revised Statutes, Title 10, section 1110 is a violation of the Maine Unfair Trade Practices Act.

Public Law 2011, chapter 574 was enacted as an emergency measure effective March 30, 2012.

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

LD 1913 An Act To Review and Restructure the Workers' Compensation System

PUBLIC 647

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ ONTP MIN	H-941 CUSHING S-564 RECTOR

This bill is reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Order 2012, H.P. 1345. It is the majority report of the committee.

The bill makes several changes to the current workers' compensation law. It does the following:

1. Eliminates the requirement that an employer, insurer or group self-insurer continue paying benefits to an employee during an appeal of a hearing officer decree by the employee;
2. Increases the percent of the state weekly average calculation from 90% to 100% for the maximum benefit level computation;
3. Adds a presumption that work is unavailable for a person participating in a rehabilitation plan ordered by the Workers' Compensation Board for as long as the employee continues to participate in vocational rehabilitation;
4. Changes the time from which the statute of limitations for filing a petition begins from 2 years from the date an employer is required to file a first report of injury to the actual date of the injury; and
5. Creates a new Appellate Division that consists of panels of no fewer than 3 full-time hearing officers and gives the board authority to adopt routine technical rules of procedure for any review made by the newly created Appellate Division.

The bill makes several changes for injuries incurred on or after January 1, 2013. It does the following:

1. Changes the calculation for determining the maximum benefit amount for total incapacity from 80% of the employee's net average weekly wages, but not more than the maximum benefit, to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit;
2. Changes the calculation for determining the maximum benefit amount for partial incapacity from 80% of the employee's net average weekly wages, but not more than the maximum benefit, to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit;
3. Eliminates the permanent impairment threshold index that is presently calculated from an adjusted impairment threshold, based on an actuarial review of cases receiving permanent impairment ratings in which 25% of all cases with permanent impairment are expected to exceed the threshold and 75% of all cases are expected to be less than the threshold;
4. Establishes 520 weeks as the end date of benefit eligibility for permanently impaired individuals with partial incapacity;
5. Changes the eligibility requirements for extension of benefits for permanently impaired individuals with partial incapacity. In order to qualify for an extension, the following requirements must be met:

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A. The injured employee must have a whole person permanent impairment resulting from an injury in excess of 25% and the employee's earnings over the most recent 26-week period must be 50% or less of the preinjury average weekly wage; if so the employer shall pay weekly compensation equal to 2/3 of the difference between the employee's average weekly wage at the time of the injury and the employee's post injury wage, but not more than the maximum benefit allowable;

B. The employee's actual earnings must be commensurate with the employee's earning capacity as determined by an independent medical examiner; and

C. The employee must have earnings from employment for a period of not less than 24 months prior to the expiration of the 520-week durational limit.

In addition, compensation is at a fixed rate and may be reviewed biennially. While the employee is receiving extended partial incapacity benefits, the employee must complete and provide quarterly employment status reports and tax returns. If an employee's weekly earnings over the most recent 26-week period are equal to or greater than the employee's preinjury week earnings, the extension of benefits is terminated permanently. Finally, if an employee does not qualify for an extension at the end of 520 weeks, the employee's benefits expire;

6. Changes the average weekly benefit for partial incapacity for an employee if the wages were lowered after the injury from 80% of net 2/3 of gross of the difference between the employee's average weekly wages received before the date of injury and average weekly wages received post injury, but not more than the maximum benefit;

7. Changes the death benefit for dependents of an employee who were dependent upon the employee's earnings for support at the time of injury to a weekly payment based on 80% of the net of the employee's average weekly wages to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit; and

8. Shortens the time in which a notice of injury must be given from 90 to 30 days.

The bill also establishes the calculation for determining an employee's permanent impairment threshold at 12% for individuals with partial incapacity for injuries incurred between January 1, 2006, and January 1, 2012.

House Amendment "A" (H-941)

This amendment makes technical corrections to the bill to correct dates and clarify the process for discontinuance or reduction of payments.

Senate Amendment "D" (S-564)

This amendment makes the following changes to the bill regarding requirements for receiving benefits for long-term partial incapacity:

1. It reduces the percentage of permanent impairment necessary from 25% to 18%;

2. It changes the necessary percentage of the employee's earnings from 50% or less of the preinjury average weekly wage to 65% or less of the preinjury average weekly wage;

3. It requires consideration of an employee's psychological work capacity in assessing the employee's earning capacity; and

4. It changes the necessary period of earnings from employment from not less than 24 months prior to the expiration of the 520-week durational limit to a period of not less than 12 months within a 24-month period prior to the expiration of the 520-week durational limit.

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In addition, this amendment specifies that the statute of limitations bars a petition unless filed within 2 years after the date of injury or the date the employee's employer files a required first report of injury.

Finally, this amendment requires the Workers' Compensation Board report, at least annually, to the Legislature, on costs to employers associated with long-term partial incapacity benefits and permanent impairment rating numbers.

Enacted Law Summary

Public Law 2011, chapter 647 makes several changes to the current workers' compensation law. It does the following:

1. Eliminates the requirement that an employer, insurer or group self-insurer continue paying benefits to an employee during an appeal of a hearing officer decree by the employee;
2. Increases the percent of the state weekly average calculation from 90% to 100% for the maximum benefit level computation;
3. Adds a presumption that work is unavailable for a person participating in a rehabilitation plan ordered by the Workers' Compensation Board for as long as the employee continues to participate in vocational rehabilitation;
4. Specifies the statute of limitations bars a petition unless filed within 2 years after the date of injury or the date the employee's employer files a required first report of injury; and
5. Creates a new Appellate Division that consists of panels of no fewer than 3 full-time hearing officers and gives the board authority to adopt routine technical rules of procedure for any review made by the newly created Appellate Division.

Public Law 2011, chapter 647 makes several changes for injuries incurred on or after January 1, 2013. It does the following:

1. Changes the calculation for determining the maximum benefit amount for total incapacity from 80% of the employee's net average weekly wages, but not more than the maximum benefit, to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit;
2. Changes the calculation for determining the maximum benefit amount for partial incapacity from 80% of the employee's net average weekly wages, but not more than the maximum benefit, to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit;
3. Eliminates the permanent impairment threshold index that is presently calculated from an adjusted impairment threshold, based on an actuarial review of cases receiving permanent impairment ratings in which 25% of all cases with permanent impairment are expected to exceed the threshold and 75% of all cases are expected to be less than the threshold;
4. Establishes 520 weeks as the end date of benefit eligibility for permanently impaired individuals with partial incapacity;
5. Changes the eligibility requirements for extension of benefits for permanently impaired individuals with partial incapacity. In order to qualify for an extension, the following requirements must be met:
 - A. The injured employee must have a whole person permanent impairment resulting from an injury in excess of 18% and the employee's earnings over the most recent 26-week period must be 65% or less of the preinjury average weekly wage; if so the employer shall pay weekly compensation equal to 2/3 of the difference between the employee's average weekly wage at the time of the injury and the employee's post injury wage, but not more

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than the maximum benefit allowable;

B. The employee's actual earnings must be commensurate with the employee's earning capacity as determined by an independent medical examiner; and

C. The employee must have earnings from employment for a period of not less than 12 months within a 24-month period prior to the expiration of the 520-week durational limit.

In addition, compensation is at a fixed rate and may be reviewed biennially. While the employee is receiving extended partial incapacity benefits, the employee must complete and provide quarterly employment status reports and tax returns. If an employee's weekly earnings over the most recent 26-week period are equal to or greater than the employee's preinjury week earnings, the extension of benefits is terminated permanently. Finally, if an employee does not qualify for an extension at the end of 520 weeks, the employee's benefits expire;

6. Changes the average weekly benefit for partial incapacity for an employee if the wages were lowered after the injury from 80% of net 2/3 of gross of the difference between the employee's average weekly wages received before the date of injury and average weekly wages received post injury, but not more than the maximum benefit;

7. Changes the death benefit for dependents of an employee who were dependent upon the employee's earnings for support at the time of injury to a weekly payment based on 80% of the net of the employee's average weekly wages to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit; and

8. Shortens the time in which a notice of injury must be given from 90 to 30 days.

Public Law 2011, chapter 647 establishes the calculation for determining an employee's permanent impairment threshold at 12% for individuals with partial incapacity for injuries incurred between January 1, 2006, and January 1, 2012. It also requires the Workers' Compensation Board report, at least annually, to the Legislature, on costs to employers associated with long-term partial incapacity benefits and permanent impairment rating numbers.

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Enacted

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Enacted

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LD 1658	An Act To Protect Gasoline Marketers from Liability for Selling Federally Approved Gasoline	PUBLIC 632
LD 1695	An Act To Provide Additional In-store Space for Maine's Businesses by Removing License and Permit Posting Requirements	PUBLIC 535
LD 1697	An Act Relating to the Calculation of Population for Purposes of the Maine Uniform Building and Energy Code and Public Safety Answering Point Assessments	PUBLIC 505 EMERGENCY
LD 1708	An Act To Prevent the Theft and Illegal Sale of Copper and Other Metals	PUBLIC 545 EMERGENCY
LD 1787	An Act To Create Efficiencies in the Administration and Enforcement of the Maine Uniform Building and Energy Code	PUBLIC 633
LD 1836	An Act To Facilitate Rapid Response by Out-of-state Businesses to State Disasters	PUBLIC 622 EMERGENCY

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Enacted

LD 1207	An Act To Amend the Labor Laws Relating to Certain Agricultural Employees	PUBLIC 565
LD 1894	An Act To Restore Departmental Management over Costs of State-paid Child Care	PUBLIC 641

Consumer Protection

Enacted

LD 1895	An Act To Protect Consumers by Strengthening the Laws Governing Prepaid Home Heating Oil Contracts	PUBLIC 574 EMERGENCY
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Enacted

LD 1437	Resolve, Directing the Maine Economic Growth Council To Develop the Maine Prosperity Action Plan of 2012	RESOLVE 148
LD 1675	Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings	RESOLVE 167

Not Enacted

LD 1665	Resolve, To Direct the Department of Economic and Community Development To Convene a Task Force To Bolster and Expand Exports of Maine Products and Services	ONTP
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Economic Development-Programs

Enacted

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LD 771	Resolve, To Support the Development of a Model Charter for the St. John Valley Regional Planning Commission	RESOLVE 165 EMERGENCY
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Not Enacted

LD 384	An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State	DIED ON ADJOURNMENT
LD 1451	An Act To Create Transparency and Accountability in Economic Development Subsidies	DIED BETWEEN HOUSES

Employment Practices

Enacted

LD 1383	An Act To Promote a Qualified Logging Workforce and Ensure an Adequate Wood Supply for Maine Mills	PUBLIC 620
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Housing

Enacted

LD 1778	An Act Relating to the Governance of the Maine State Housing Authority	PUBLIC 560
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Independent Contractor Status

Enacted

LD 1314 An Act To Standardize the Definition of "Independent Contractor" PUBLIC 643

Individuals with Disabilities Employment

Enacted

LD 765 An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired PUBLIC 661 EMERGENCY

Labor Department

Enacted

LD 1638 An Act To Enhance the Duties and Responsibilities of the Director of the Division for the Deaf, Hard of Hearing and Late Deafened PUBLIC 474

LD 1786 An Act To Amend the Requirement That the Department of Labor Calculate the Livable Wage PUBLIC 569

LD 1800 An Act To Conform Maine Apprenticeship Program Standards with Federal Apprenticeship Regulations PUBLIC 491

LD 1874 An Act To Rename the Maine Jobs Council as the State Workforce Investment Board and Make Changes to Its Structure PUBLIC 627

Not Enacted

LD 1890 An Act To Streamline the Process for Minors To Obtain a Work Permit MAJORITY (ONTP) REPORT

Labor Relations

Not Enacted

LD 309 An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State DIED ON ADJOURNMENT

Miscellaneous

Enacted

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Enacted

LD 955 An Act To Establish a Dental Adjudicatory Panel System PUBLIC 581

LD 1607 An Act To Preserve the Integrity of the Maine Certified Public Accountant Examination PUBLIC 478 EMERGENCY

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LD 1850	An Act To Assist Maine's Current and Former Members of the United States Armed Forces	PUBLIC 603
LD 1877	An Act To Clarify Authorized Associations of Veterinary Practice	PUBLIC 594 EMERGENCY
LD 1891	Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State	RESOLVE 153

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Enacted

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LD 1777	An Act To Correct an Inconsistency in the Employment Security Law	PUBLIC 516
LD 1832	An Act To Increase the Amount of Time an Employer May Employ an Employee without Being Charged for Unemployment Benefits	PUBLIC 499

Not Enacted

LD 1600	An Act To Provide That Persons Hiring Assistants To Provide Home Care for Relatives Are Not Employers for Purposes of Unemployment Compensation Laws	ONTP
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Enacted

LD 1685	An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers	PUBLIC 681
LD 1729	An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities	PUBLIC 483

Workers' Compensation

Enacted

LD 1913	An Act To Review and Restructure the Workers' Compensation System	PUBLIC 647
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Not Enacted

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

ONTP

Workforce Investment

Enacted

LD 1844 **An Act To Amend the Laws Governing the Governor's Training
Initiative Program**

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