

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

August 2017

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE  
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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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

Public Law 2017, chapter 173 grants the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation the authority to modify licensing requirements of professional licensing boards administered by the Office of Professional and Occupational Regulation on a case-by-case basis, including by waiving examination fees, for applicants for licensure who are military veterans.

**LD 1594     An Act Regarding the Dispensing of Naloxone Hydrochloride by Pharmacists**

**PUBLIC 249  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K MASON G	OTP-AM ONTP	H-355

This bill provides that a pharmacist may prescribe and dispense naloxone hydrochloride to an individual at risk of experiencing an opioid-related drug overdose or to a person in a position to assist such an individual. Current law provides that a pharmacist may only dispense naloxone hydrochloride to such an individual or person. The bill also provides that the rules adopted by the Maine Board of Pharmacy authorizing pharmacists to prescribe and dispense naloxone hydrochloride must establish adequate training requirements and protocols for prescribing and dispensing naloxone hydrochloride when there is no prescription drug order, standing order or collaborative practice agreement authorizing naloxone hydrochloride to be dispensed to the intended recipient.

**Committee Amendment "A" (H-355)**

This amendment, which is the majority report of the committee, adds an emergency preamble and emergency clause and provides for the authority of a pharmacist to prescribe naloxone hydrochloride in accordance with rules adopted by the Maine Board of Pharmacy. This authority expires on July 1, 2019.

**Enacted Law Summary**

Public Law 2017, chapter 249 provides that a pharmacist may prescribe and dispense naloxone hydrochloride to an individual at risk of experiencing an opioid-related drug overdose or to a person in a position to assist such an individual in accordance with rules adopted by the Maine Board of Pharmacy. The rules adopted by the Board must establish adequate training requirements and protocols for prescribing and dispensing naloxone hydrochloride when there is no prescription drug order, standing order or collaborative practice agreement authorizing naloxone hydrochloride to be dispensed to the intended recipient. A pharmacist's authority to prescribe naloxone hydrochloride expires on July 1, 2019.

Public Law 2017, chapter 249 was enacted as an emergency measure effective June 24, 2017.

**LD 1609     An Act To Support Maine's Employers and Encourage Employers To Hire Young Workers**

**Died Between  
Houses**

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

This bill reduces increases to the minimum wage and provides a minimum wage of \$11 per hour starting January 1, 2021. The bill eliminates the annual cost-of-living adjustment to the minimum wage and reinstates the tip credit at 50% of the state minimum wage. The bill allows employers to pay a training or youth wage subject to certain conditions including that the training or youth wage meets or exceeds the federal minimum wage established under the federal Fair Labor Standards Act. The bill changes the description of certain salaried employees who are exempt from the limits on mandatory overtime. The bill changes the description of certain salaried employees who are exempt from the laws governing minimum wages. The bill changes the definitions of "automobile mechanic,"

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

"automobile parts clerk," "automobile service writer" and "tip" in the laws governing minimum wages. The bill amends the laws governing service charges in the minimum wage laws by making a compulsory service charge the property of the employer and not a tip that is the property of the service employee. Current law allows this practice only in a banquet or private club setting.

**Committee Amendment "A" (S-246)**

This amendment is the minority report of the committee. It strikes most of the provisions of the bill but retains the reduction in the scheduled increases to the minimum wage to 50 cents an hour per year until January 1, 2021, when the minimum wage will be \$11 per hour. It also keeps the elimination of the annual cost-of-living adjustment to the minimum wage in the bill and the \$1 an hour cap on the automatic increase in the state minimum wage when it is exceeded by the federal minimum wage. The amendment keeps the provision in the bill that makes a compulsory service charge the property of the employer and not a tip that is the property of the service employee.

This amendment was not adopted.

**LD 1621 An Act To Retain Jobs in Maine**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u> JACKSON T	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill requires that a person proposing to permanently shut down an industrial or commercial facility make an offer of sale, at fair market value, of the facility and equipment to an interested employee organization or to a privately owned business entity, government-owned business entity or jointly owned business entity.

**LD 1643 An Act To Provide Funding to the Loring Development Authority of Maine for Implementation Grants**

**PUBLIC 298  
EMERGENCY**

<u>Sponsor(s)</u> STEWART H JACKSON T	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill was not referred to committee.

This bill:

1. Lapses \$750,000 in each fiscal year of the biennium to the unappropriated surplus of the General Fund that is not anticipated to be needed by the Maine Technology Institute in fiscal years 2017-18 and 2018-19; and
2. Provides \$750,000 in each fiscal year of the biennium for implementation grants to the Loring Development Authority of Maine upon the recommendation of the Commissioner of Economic and Community Development and the approval of the Governor.

**Enacted Law Summary**

Public Law 2017, chapter 298 does the following:

1. It lapses \$750,000 in each fiscal year of the biennium to the unappropriated surplus of the General Fund that is not anticipated to be needed by the Maine Technology Institute in fiscal years 2017-18 and 2018-19; and