

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th 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. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 125th Legislature is September 28, 2011. 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

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

RESOLVE 67

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

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

Committee Amendment "A" (H-319)

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

Enacted Law Summary

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

LD 266 An Act To Expand Access to Oral Health Care

**MAJORITY
(ONTP) REPORT**

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

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

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

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

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

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

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

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

Committee Amendment "A" (H-91)

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

Enacted Law Summary

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

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

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