

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

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

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

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

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

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

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

Committee Amendment "A" (S-32)

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

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

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

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

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

Committee Amendment "A" (S-38)

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

Enacted Law Summary

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

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

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

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

Enacted Law Summary

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

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

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

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

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

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