

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

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

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

LD 340 An Act Regarding Timber Harvesting on State Land

**VETO
SUSTAINED**

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

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

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

**RESOLVE 45
EMERGENCY**

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

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

Committee Amendment "A" (H-176)

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

Enacted Law Summary

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

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

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

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

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

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

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

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

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

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

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

Committee Amendment "A" (S-249)

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