

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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CAROLYN RUSSO, LEGISLATIVE ANALYST
NATALIE HAYNES, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

* REPLACED LATE IN THE SESSION BY REP. ANDRE E. CUSHING III

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

p.m.

Senate Amendment "C" To Committee Amendment "A" (S-97)

This amendment changes the hour to which a student may work on a day preceding a school day from 11:00 p.m. to 10:15 p.m.

Enacted Law Summary

Public Law 2011, chapter 174 extends the hours a student may work when school is in session. It extends the hours of work permitted per week from 20 to 24 and it extends the hours of work permitted per day from four to six. Public Law 2011, chapter 174 removes language pertaining to authorized school closures and hours of employment. It also changes the hour to which a student may work on a day preceding a scheduled school day from 10 p.m. to 10:15 p.m.

LD 534 An Act To Clarify Successor Liability under the Employment Security Law ONTP

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

This bill exempts licensed eating establishments from having experience and assignment rates under the Employment Security Law transferred to them from previous similar employers that may have operated within an existing property when the prior employer has no connection to the new restaurant.

LD 537 Resolve, To Design and Implement a Demonstration Project on Recertification of Certified Nursing Assistants RESOLVE 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER JACKSON	OTP-AM	H-107

This bill expands the options for listing on the Maine Registry of Certified Nursing Assistants by:

1. Requiring reasonable accommodations for persons with disabilities for the certified nursing assistant test;
2. Allowing supervision of a certified nursing assistant by a registered nurse in a home care setting for the purposes of meeting the 8-hour certified nursing recertification requirement; and
3. Directing the offices within the Department of Health and Human Services concerning elder services and licensing and regulatory services to work together with licensed home health agencies and nursing facilities to design and implement a demonstration project on certified nursing assistant qualification for continued listing on the Maine Registry of Certified Nursing Assistants to allow a person who is working as an unlicensed assistive person to work or serve as a trainee in a licensed home health agency or nursing facility under required supervision in order to qualify for certification on the Maine Registry of Certified Nursing Assistants.

Committee Amendment "A" (H-107)

This amendment changes the bill to a resolve. The amendment eliminates the provisions of the bill requiring

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

reasonable accommodations for persons with disabilities for the certified nursing assistant test and allowing supervision of a certified nursing assistant by a registered nurse in a home care setting for purposes of recertification and retains the provisions of the bill requiring certain offices within the Department of Health and Human Services to implement a demonstration project on certified nursing assistant qualification.

Enacted Law Summary

Resolve 2011, chapter 35 requires certain offices within the Department of Health and Human Services to work together with licensed home health agencies and nursing facilities to design and implement a demonstration project on certified nursing assistant qualification for continued listing on the Maine Registry of Certified Nursing Assistants beginning January 1, 2012. The resolve requires the project to provide a mechanism by which a person who is working as an unlicensed assistive person may work or serve as a trainee in a licensed home health agency or nursing facility under required supervision in order to qualify for certification on the Maine Registry of Certified Nursing Assistants.

LD 555 An Act To Utilize a Dental Complaint Review Panel ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT MARTIN T	ONTP	

This bill provides for a preliminary review of all complaints filed with the Board of Dental Examiners by a review panel of 3 members of the board. The review panel has the power, by a unanimous vote, to dismiss complaints it believes are without merit or do not state complaints within the jurisdiction of the board. All other complaints must be forwarded to the full board for further action.

LD 575 An Act To Extend a Deadline under the Regional Economic Development Revolving Loan Program PUBLIC 11 EMERGENCY

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

The bill extends to June 30, 2012 the date until which entities eligible for loan insurance may be eligible for financial assistance under the Finance Authority of Maine's Regional Economic Development Revolving Loan Program.

Enacted Law Summary

Public Law 2011, chapter 11 extends to June 30, 2012 the date until which entities eligible for loan insurance may be eligible for financial assistance under the Finance Authority of Maine's Regional Economic Development Revolving Loan Program.

Public Law 2011, chapter 11 was enacted as an emergency measure effective March 31, 2011.