

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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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

125TH LEGISLATURE
SECOND REGULAR SESSION



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 Second 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.

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

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. 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 765

An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired

**PUBLIC 661
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS THIBODEAU	OTP-AM	H-737 S-595 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature.

It addresses the documented educational and rehabilitation needs of blind students and adults by funding approximately 50% of the professional staff shortage identified by both: (1) The report of the stakeholder working group established to review the current and future needs of blind or visually impaired individuals established pursuant to Resolve 2009, chapter 39; and (2) The recommendations of the Department of Education's corrective action plan work group in regard to *Disability Rights Center v. Maine Department of Education* dated July 28, 2010.

The bill meets the rapidly expanding need for vision rehabilitation and independent living services for adults dealing with vision loss due to both the general aging of the population and age-related eye diseases that cause vision loss.

Committee Amendment "B" (H-737)

This amendment replaces the bill and does the following:

1. Provides funding for 2 Certified Teacher of Visually Impaired contracted positions. Funding for fiscal year 2011-12 is provided through a transfer of federal funds from the Department of Education to the Department of Labor. Beginning in fiscal year 2012-13, funding for the contracted positions is provided through General Fund appropriations;
2. Provides funding for 2 Vision Rehabilitation Therapist contracted positions beginning in fiscal year 2012-13 to teach independent living and job readiness skills;
3. Establishes one full-time and one half-time Orientation and Mobility Specialist position within the Department of Labor, Division for the Blind and Visually Impaired to provide instruction in safe and independent travel to children and adults; and
4. Establishes one Blindness and Rehabilitation Specialist position within the Division for the Blind and Visually Impaired beginning in fiscal year 2012-13 to provide case management services.

This amendment directs the Department of Labor and the Department of Education to work together to develop contracts to provide educational services and clarifies that educational services required by federal law to be provided to blind and visually impaired children from birth to 20 years of age take precedence over such services provided to blind or visually impaired adults.

This amendment adds an emergency preamble and emergency clause.

Senate Amendment "A" To Committee Amendment "B" (S-595)

This amendment replaces the committee amendment and directs the Department of Labor, Division for the Blind and Visually Impaired and the Department of Education to work together to develop contracts to provide educational services. It clarifies that educational services for blind and visually impaired children from birth to 20 years of age

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

are an entitlement mandated by federal law and, as such, children will receive priority for all services provided by the division.

Enacted Law Summary

Public Law 2011, chapter 661 directs the Department of Labor, Division for the Blind and Visually Impaired and the Department of Education to work together to develop contracts to provide educational services and delivery of those services to blind or visually impaired children from birth to 20 years of age. It clarifies that educational services for these children are an entitlement mandated by federal law and, as such, these children will receive priority for all services provided by the division.

Public Law 2011, chapter 661 was enacted as an emergency measure effective May 21, 2012.

LD 771 Resolve, To Support the Development of a Model Charter for the St. John Valley Regional Planning Commission RESOLVE 165 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE	OTP-AM MAJ	H-948
JACKSON	OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 and proposes to establish the St. John Valley Regional Planning Commission. Under this bill, the following Aroostook County communities would be represented on the executive board of the commission: Allagash, Caswell Plantation, Cyr Plantation, Eagle Lake, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, Portage Lake, St. Agatha, St. Francis, St. John Plantation, Stockholm, Van Buren, Wallagrass Plantation and Winterville Plantation as well as the unorganized townships in Aroostook County Commissioner District Number 3.

Committee Amendment "A" (H-864)

This amendment is the majority report of the committee. It replaces the bill with a resolve directing the Commissioner of Economic and Community Development to invite representatives from unorganized townships and the following municipalities within Aroostook County to at least 2 meetings to facilitate the development of a model charter that would establish the St. John Valley Regional Planning Commission: Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, St. Agatha, Stockholm, Van Buren, Wallagrass Plantation and Woodland. It requires the commissioner to provide assistance at the meetings to facilitate the development of a model charter for the St. John Valley Regional Planning Commission and provide assistance with identifying any regulatory obstacles or impediments to establishing such a charter. It requires the department to provide a report no later than December 5, 2012 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on any meetings that were held, as well as any recommendations regarding the need for a charter to be established in law. It authorizes the committee to submit a bill on this issue to the First Regular Session of the 126th Legislature.

This amendment was not adopted.

Committee of Conference Amendment "A" (H-948)

This amendment is the report of the Committee of Conference. This amendment incorporates the provisions of Committee Amendment "A" by replacing the bill with a resolve directing the Commissioner of Economic and Community Development to invite representatives from unorganized townships and the following municipalities within Aroostook County to at least 2 meetings to facilitate the development of a model charter that would establish the St. John Valley Regional Planning Commission: Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville,