

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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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# STATE OF MAINE

125<sup>TH</sup> 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 125<sup>th</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 125<sup>th</sup> 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***

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 of Economic and Community Development 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 also adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Resolve 2011, chapter 165 directs 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 of Economic and Community Development 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. The law authorizes the committee to submit a bill on this issue to the First Regular Session of the 126th Legislature.

Resolve 2011, chapter 165 was finally passed as an emergency measure effective May 29, 2012.

**LD 955**

**An Act To Establish a Dental Adjudicatory Panel System**

**PUBLIC 581**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-482

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

It establishes the Dental Adjudicatory Panel for the purpose of conducting adjudicatory hearings for the Board of Dental Examiners. These adjudicatory hearings must utilize the Maine Rules of Evidence. Members of the panel may not be members of the Board of Dental Examiners.

The bill also makes a change in the process by which the Board of Dental Examiners files a complaint in the District Court to suspend or revoke a license. Before filing such a complaint, the board shall notify the licensee of reasons for the suspension or revocation and provide the licensee with an opportunity for an informal conference with the members of the board.

**Committee Amendment "A" (S-482)**

This amendment makes the following changes to the bill.

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

1. It clarifies that the Board of Dental Examiners has the authority in the case of a consent agreement with a licensee to take any action authorized by the Maine Revised Statutes, Title 10, section 8003, subsection 5 or Title 10, section 8003-D.
2. It provides that if the board concludes that denial of initial licensure or modification or nonrenewal of an existing license is in order, the board may refer a complaint to a dental adjudicatory panel for the purpose of holding an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act.
3. It provides that a dental adjudicatory panel, not the board, has the sole authority to hold an adjudicatory hearing conforming to the requirements of the Maine Administrative Procedure Act and take any action following an adjudicatory hearing authorized by Title 10, section 8003, subsection 5 or Title 10, section 8003-D.
4. It provides that any nonconsensual revocation of a license by a dental adjudicatory panel may be imposed only after a hearing conforming to the requirements of the Maine Administrative Procedure Act and is subject to judicial review exclusively in the Superior Court. It also provides that the board retains the authority to take any other action regarding the disposition of any complaint that does not involve an adjudicatory hearing.
5. It replaces the provisions in the bill that establish the Dental Adjudicatory Panel with a system of dental adjudicatory panels that are convened on a case-by-case basis from a pool of variously qualified potential panel members, each serving a 5-year term, and establishes the duties and authority of the panels.
6. It repeals the laws governing the dental adjudicatory panels September 15, 2014, but allows the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding dental adjudicatory panels to the Second Regular Session of the 126th Legislature.

### **Enacted Law Summary**

Public Law 2011, chapter 581 does the following.

1. It clarifies that the Board of Dental Examiners has the authority in the case of a consent agreement with a licensee to take any action authorized by the Maine Revised Statutes, Title 10, section 8003, subsection 5 or Title 10, section 8003-D.
2. It provides that if the board concludes that denial of initial licensure or modification or nonrenewal of an existing license is in order, the board may refer a complaint to a dental adjudicatory panel for the purpose of holding an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act.
3. It provides that a dental adjudicatory panel, not the board, has the sole authority to hold an adjudicatory hearing conforming to the requirements of the Maine Administrative Procedure Act and take any action following an adjudicatory hearing authorized by Title 10, section 8003, subsection 5 or Title 10, section 8003-D.
4. It provides that any nonconsensual revocation of a license by a dental adjudicatory panel may be imposed only after a hearing conforming to the requirements of the Maine Administrative Procedure Act and is subject to judicial review exclusively in the Superior Court. It also provides that the board retains the authority to take any other action regarding the disposition of any complaint that does not involve an adjudicatory hearing.
5. It establishes a system of dental adjudicatory panels that are convened on a case-by-case basis from a pool of variously qualified potential panel members, each serving a 5-year term, and establishes the duties and authority of the panels.
6. It repeals the laws governing the dental adjudicatory panels September 15, 2014, but allows the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding dental adjudicatory panels to the Second Regular Session of the 126th Legislature.