

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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  
125<sup>TH</sup> LEGISLATURE  
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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 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.

*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 125<sup>th</sup> 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 1065      An Act To Amend the Laws Governing the Determination of Permanent Impairment under the Maine Workers' Compensation Act of 1992      ONTP**

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

This bill amends the law governing the determination of permanent impairment for workers' compensation purposes as follows:

1. It specifies that the schedule adopted by the Workers' Compensation Board for determining the existence and degree of permanent impairment based upon medically or scientifically demonstrable findings must be based on the American Medical Association's "Guides to the Evaluation of Permanent Impairment," 4th edition;
2. It requires that a determination of permanent impairment of the spine must be based on a medical opinion formulated using the "diagnosis related estimate" model and may not be based on a medical opinion formulated using the "range of motion" model;
3. It specifies that a determination of permanent impairment may not include an assessment of permanent impairment based on behavioral, emotional or psychiatric conditions; and
4. It requires that the medical findings of the independent medical examiner regarding the extent of permanent impairment must be adopted by the board.

**LD 1069      An Act To Promote Visual and Digital Media Productions, Tourism and Job Creation in the State      PUBLIC 372**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM	H-517

This bill establishes the Tourism and Industry Collaborative Film Grant Program within the Department of Economic and Community Development, Office of Tourism to promote Maine tourism and industry and assist in job creation through grants for feature film projects that promote Maine's natural resources and industries. The program will provide grants from the Tourism and Industry Collaborative Film Grants Fund of up to \$500,000 for eligible feature film projects, not to exceed 40% of the feature film's production budget, to be paid upon the feature film's completion. The bill provides that money in the fund may be distributed to eligible feature film projects initially as a loan during preproduction and production of the feature film. The bill requires that, in order to receive grant funds upon completion, the feature film project must demonstrate to the satisfaction of the Office of Tourism that the feature film has a production budget over \$250,000, features at least one primary Maine industry, tells a story that is set in Maine for at least 75% of the film and features outdoor locations in Maine for at least 25% of the film. The feature film project must also have filmed on location in Maine for at least 75% of the film. The bill requires a feature film project to provide film footage for state tourism promotion activities.

**Committee Amendment "A" (H-517)**

This amendment replaces the bill. It establishes the Visual and Digital Media Loan Program within the Department of Economic and Community Development to promote tourism and job creation through loans to the producers of

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

visual and digital media projects and productions. The Visual and Digital Media Loan Fund is established to provide loans for eligible digital media projects or visual media productions of up to \$500,000 per eligible project or production, not to exceed 20% of its proposed preproduction and production budget. It establishes a loan forgiveness process for borrowers if they demonstrate to the satisfaction of the Commissioner of Economic and Community Development that the following criteria have been met upon completion of the project or production:

1. The project or production has a total preproduction, production and postproduction budget that is above \$100,000;
2. Seventy-five percent of the project or production has been filmed in the State;
3. A marketing plan includes promotion and acknowledgment of the project's or production's filming in the State;
4. A signed agreement provides the department with access to a film trailer and all b-roll footage, provided free of charge to the State for tourism promotion activities; and
5. A signed agreement provides that the project or production will not be the basis for an income tax credit or tax reimbursement for visual media productions.

It authorizes the commissioner to contract with the Finance Authority of Maine to administer the fund for the program. It also provides that the program is repealed December 31, 2015.

It also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2011, chapter 372 establishes the Visual and Digital Media Loan Program within the Department of Economic and Community Development to promote tourism and job creation through loans to the producers of visual and digital media projects and productions. The Visual and Digital Media Loan Fund is established to provide loans for eligible digital media projects or visual media productions of up to \$500,000 per eligible project or production, not to exceed 20% of its proposed preproduction and production budget. The law establishes a loan forgiveness process for borrowers if they demonstrate to the satisfaction of the Commissioner of Economic and Community Development that the following criteria have been met upon completion of the project or production:

1. The project or production has a total preproduction, production and postproduction budget that is above \$100,000;
2. Seventy-five percent of the project or production has been filmed in the State;
3. A marketing plan includes promotion and acknowledgment of the project's or production's filming in the State;
4. A signed agreement provides the department with access to a film trailer and all b-roll footage, provided free of charge to the State for tourism promotion activities; and
5. A signed agreement provides that the project or production will not be the basis for an income tax credit or tax reimbursement for visual media productions.

The law also authorizes the commissioner to contract with the Finance Authority of Maine to administer the fund for the program. It provides that the program is repealed December 31, 2015.