

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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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

LD 1238 Resolve, Authorizing the Bureau of Unemployment Compensation To Study Establishment of a Voluntary Workplace Training Program RESOLVE 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BICKFORD THOMAS	OTP-AM	H-351

This bill creates the Maine Back to Work Program to provide workplace training to certain eligible unemployment insurance beneficiaries. The bill establishes the program within the Department of Labor, Bureau of Unemployment Compensation to allow an eligible participant who is receiving unemployment insurance benefits pursuant to the Employment Security Law to receive workplace training from an eligible employer.

The department is directed to solicit input from the Georgia Department of Labor regarding the design and implementation of the program. The bill also directs the department to consult and abide by the program guidance and parameters, as necessary, set forth in the federal Training and Employment Guidance Letter No. 12-09, dated January 29, 2010, or any subsequent program guidance relevant to the program, issued by the United States Department of Labor, Employment and Training Administration.

The bill stipulates that the program must be consistent with, and eligible participants afforded the protections provided by, all applicable antidiscrimination statutes.

The bill makes it clear that persons receiving unemployment benefits continue to receive those benefits while participating in the program.

Committee Amendment "A" (H-351)

This amendment replaces the bill, makes it a resolve and directs the Director of the Bureau of Unemployment Compensation within the Department of Labor to determine the most cost-effective proposal for establishing a voluntary workplace training program. The director is directed to report the results of the study along with any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, which is authorized to submit a bill to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 84 directs the Director of the Bureau of Unemployment Compensation within the Department of Labor to determine the most cost-effective proposal for establishing a voluntary workplace training program. The director is directed to report the results of the study along with any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, which is authorized to submit a bill to the Second Regular Session of the 125th Legislature.

LD 1241 An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws PUBLIC 196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BICKFORD ROSEN R	OTP-AM	H-287

This bill removes the requirement that an employer must provide an opportunity to participate in a substance abuse rehabilitation program to an employee after the employee has received a confirmed positive result on a substance

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

abuse test. The bill also requires that an employer that requires, requests or suggests that employees submit to substance abuse testing on a random or arbitrary basis must also require, request or suggest that supervisory personnel submit to a substance abuse test on a random or arbitrary basis and similarly submit to substance abuse testing on a random or arbitrary basis.

The bill also allows an employer to require, request or suggest an employee submit to substance abuse testing if the employee causes a work-related accident that results in property damage, personal injury or loss of life or a citation or summons being issued to the employee by a law enforcement officer. The bill also removes the provision stating that it is the intent of the Legislature to narrowly construe the requirement concerning random testing of an employee who works in a position where being under the influence of a substance of abuse would place the health and safety of the public or coworkers under unreasonable threat.

Committee Amendment "A" (H-287)

This amendment replaces the bill. It allows an employer subject to a federally mandated substance abuse testing program to extend its United States Department of Transportation mandated program to its entire workforce and its independent contractors. It allows such employers to have the same substance abuse policy for all employees and independent contractors. The amendment directs the Department of Labor, Bureau of Labor Standards to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2012 with recommendations on simplifying and streamlining the labor laws dealing with substance abuse testing. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Public Law 2011, chapter 196 allows an employer subject to a federally mandated substance abuse testing program to extend its United States Department of Transportation mandated program to its entire workforce and its independent contractors. It allows such employers to have the same substance abuse policy for all employees and independent contractors. Public Law 2011, chapter 196 directs the Department of Labor, Bureau of Labor Standards to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2012 with recommendations on simplifying and streamlining the labor laws dealing with substance abuse testing. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 125th Legislature.

LD 1244 An Act Regarding Payment of Medical Fees in the Workers' Compensation System

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-250

This bill defines "usual and customary charge" regarding payment of a health care service under the workers' compensation laws as the average charge for that health care service for the two preceding calendar quarters. For purposes of calculating the average charge, the charge of each individual rendering of a specific health care service is calculated as the sum of all reimbursements from a private, third-party payor and all payments from the patient.

Committee Amendment "A" (S-250)

The amendment replaces the bill. It directs the Workers' Compensation Board to adopt rules to establish a medical fee schedule for services provided under the Maine Workers' Compensation Act of 1992 by individual health care practitioners and health care facilities based upon the Medicare payment methodologies that are the basis for most health care payment systems today. The amendment removes any reference in existing workers' compensation law to "usual and customary charge." The amendment requires an annual update of the medical billing and coding