

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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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

systems underlying the medical fee schedule and requires a more comprehensive review of the medical fee schedule every three years beginning in 2014. It directs the executive director of the Workers' Compensation Board to obtain annually from the Maine Health Data Organization the private third-party average payment rates across all private payors and all providers in the Maine Health Data Organization's database for the most common medical services rendered under the Maine Workers' Compensation Act of 1992 during the previous year. The amendment requires the Workers' Compensation Board to complete its current medical fee rulemaking by December 31, 2011 and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development regarding the status of the medical fee schedule not later than February 15, 2012.

Enacted Law Summary

Public Law 2011, chapter 338 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. It removes any reference in existing workers' compensation law to "usual and customary charge." Public Law 2011, chapter 338 requires an annual update of the medical billing and coding systems underlying the medical fee schedule and requires a more comprehensive review of the medical fee schedule every three years beginning in 2014. It directs the executive director of the Workers' Compensation Board to obtain annually from the Maine Health Data Organization the private third-party average payment rates across all private payors and all providers in the Maine Health Data Organization's database for the most common medical services rendered under the Maine Workers' Compensation Act of 1992 during the previous year. It also requires the Workers' Compensation Board to complete its current medical fee rulemaking by December 31, 2011 and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development regarding the status of the medical fee schedule not later than February 15, 2012.

LD 1253

An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes

**PUBLIC 365
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-210

This bill makes several changes to the laws governing the adoption, enforcement and implementation of the Maine Uniform Building and Energy Code. It allows a municipality to adopt Appendix G of the 2009 International Residential Code, or "IRC," which contains the safety fencing standards for swimming pools. It removes an archaic and vague requirement that inspections for the purpose of issuing an occupancy permit be conducted to ensure that a building is "safe from fire." The bill also expressly authorizes a municipality to review the work of a 3rd-party inspector for accuracy. The bill clarifies that appeals may be taken to either the municipal officers or a local board of appeals and that municipal employees may not take enforcement action without authorization by the employing municipality.

The bill amends the law to allow a building official to serve as a 3rd-party inspector as long as the building official is providing that service outside of the official's geographic jurisdiction as a building official. The bill directs the Department of Public Safety, Technical Building Codes and Standards Board to determine where in Maine and under what circumstances the radon and internal air quality building codes should be applied.

Committee Amendment "A" (S-210)

This amendment makes the following changes to the bill:

1. It adds an emergency preamble and emergency clause;

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2. It amends the exceptions to the Maine Uniform Building and Energy Code to include crop storage buildings;
3. It amends the laws governing the Maine Uniform Building and Energy Code to provide that the requirements of the 2009 edition of the International Energy Conservation Code within the Maine Uniform Building and Energy Code do not apply to seasonally restricted cottages, but only until June 15, 2012;
4. It requires the Department of Public Safety, Technical Building Codes and Standards Board to adopt the 2006 International Energy Conservation Code standards within the Maine Uniform Building and Energy Code for residential basement wall insulation;
5. It clarifies that a certificate of occupancy demonstrating compliance with the Maine Uniform Building and Energy Code is required only of buildings located in municipalities with more than 2,000 inhabitants in accordance with the required enforcement and inspection options; and
6. It removes the provision of the bill that requires the Technical Building Codes and Standards Board to determine where and under what circumstances the radon and internal air quality building codes should be applied.

Enacted Law Summary

Public Law 2011, chapter 365 makes the following changes to the laws governing the Maine Uniform Building and Energy Code:

1. It allows a municipality to adopt Appendix G of the 2009 International Residential Code, or "IRC," which contains the safety fencing standards for swimming pools;
2. It amends the exceptions to the Maine Uniform Building and Energy Code to include warehouses or silos used to store harvested crops;
3. It amends the laws governing the Maine Uniform Building and Energy Code to provide that the requirements of the 2009 edition of the International Energy Conservation Code within the Maine Uniform Building and Energy Code do not apply to seasonally restricted cottages, but only until June 15, 2012;
4. It requires the Department of Public Safety, Technical Building Codes and Standards Board to adopt the 2006 International Energy Conservation Code standards within the Maine Uniform Building and Energy Code for residential basement wall insulation;
5. It clarifies that a certificate of occupancy demonstrating compliance with the Maine Uniform Building and Energy Code is required only of buildings located in municipalities with more than 2,000 inhabitants in accordance with the required enforcement and inspection options;
6. It removes an archaic and vague requirement that inspections for the purpose of issuing an occupancy permit be conducted to ensure that a building is "safe from fire."
7. It clarifies that appeals may be taken to either the municipal officers or a local board of appeals and that municipal employees may not take enforcement action without authorization by the employing municipality.
8. It allows a building official to serve as a 3rd-party inspector as long as the building official is providing that service outside of the official's geographic jurisdiction as a building official.

Public Law 2011, chapter 365 was enacted as an emergency measure effective June 16, 2011.