

# 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***

2. Eliminates the requirement that employers be members of a recruitment clearinghouse;
3. Eliminates the financing of the recruitment clearinghouse by members of the forest products industry;
4. Makes the goals of the recruitment clearinghouse permissive for members rather than required;
5. Eliminates the staffed, toll-free telephone number used to inquire for logging employment;
6. Removes the Department of Labor's role of reviewing compliance with 20 Code of Federal Regulations, Part 655, Subpart B (Temporary Agricultural Employment of H2-A Aliens in the US)
7. Promotes matching applicants with logging employers;
8. Provides other assistance to logging employers as appropriate;
9. Modifies the skill test requirement to levels of experience with respect to the “models” of equipment to be operated, and allowing testing at the employer’s place of employment in addition to the area of intended employment, a central location, or a location within reasonable distance from the applicant’s residence;
10. Eliminates the requirement to submit a copy of the skills testing policy and procedure to the Department of Labor;
11. Makes a provision allowing landowners to terminate a contract if section 873 is violated permissive rather than required; and
12. Eliminates the subsection governing contracts between logging employers and landowners as well as the employers being on the approved list of the recruitment clearinghouse.

Section 3 of the bill repeals the Foreign Labor Certification Process Fund.

Section 4 of the bill gives an agricultural laborer who is an alien the right to collect Maine unemployment if there is an agreement between Canada and the U.S.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1391**     **An Act To Improve Access to Veterinary Medicine and Improve Veterinary Care**

**PUBLIC 189  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-123

This bill requires the State Board of Veterinary Medicine to waive the requirement that a person successfully pass an examination pertaining to the practice of veterinary medicine if the person, during the 6 years preceding the application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action relating to the practice of veterinary medicine by another state, United States territory, province of Canada or other jurisdiction.

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

**Committee Amendment "A" (S-123)**

This amendment strikes "or other jurisdiction" from the provision in the bill that establishes the waiver of the examination requirement so that it applies to veterinarians who have, during the 6 years preceding an application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action by another state, United States territory or province of Canada only.

**Enacted Law Summary**

Public Law 2011, chapter 189 requires the State Board of Veterinary Medicine to waive the requirement that a person successfully pass an examination pertaining to the practice of veterinary medicine if the person, during the 6 years preceding the application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action relating to the practice of veterinary medicine by another state, United States territory or province of Canada.

Public Law 2011, chapter 189 was enacted as an emergency measure effective June 1, 2011.

**LD 1420 An Act To Modify the Laws Regarding Status as an Independent Contractor**

**PUBLIC 292  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-150 S-191 RECTOR

This bill defines services provided by an individual to be employment subject to the unemployment compensation laws unless the individual is free from control or direction in performing the services and either:

1. The service is outside the usual course of business or is performed outside of the place of business; or
2. The individual is engaged in an independently established trade or occupation.

**Committee Amendment "A" (S-150)**

This amendment adds an emergency preamble and clause to the bill and creates a stakeholder group of interested parties to develop an employment test that can be used across all occupations and in the administration of unemployment compensation law, workers' compensation law and labor standards programs. This amendment also repeals, effective December 31, 2012, the presumption that services performed by an individual for remuneration are considered employment unless certain conditions are met.

**Senate Amendment "A" To Committee Amendment "A" (S-191)**

This amendment adds the Associated General Contractors of Maine to the list of participants in the stakeholder group convened by the Commissioner of Labor.

**Enacted Law Summary**

Public Law 2011, chapter 292 defines services provided by an individual to be employment subject to the unemployment compensation laws unless the individual is free from control or direction in performing the services and either:

1. The service is outside the usual course of business or is performed outside of the place of business; or