

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

2. The individual is engaged in an independently established trade or occupation.

Public Law 2011, chapter 292 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. The presumption that services performed by an individual for remuneration are considered employment unless certain conditions are met is repealed on December 31, 2012.

Public Law 2011, chapter 292 was enacted as an emergency measure effective June 10, 2011.

LD 1428

An Act To Amend the Laws Governing Self-service Storage in the State

PUBLIC 376

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| COURTNEY | OTP-AM | S-248 |

This bill amends the Maine Self-service Storage Act. It:

1. Defines abandoned leased space, electronic mail and verified mail;
2. Adds all-terrain vehicles, off-road vehicles and recreational vehicles to the definition of "personal property";
3. Sets the date that a lien attaches to the property within a leased storage space as the date the occupant leases the space;
4. Clarifies what happens to property with a value of \$750 or more and less than \$750, and if the property is a motor vehicle, it clarifies that the operator of the leased space may have the motor vehicle towed with no liability to any party;
5. Clarifies how a notice must be sent;
6. Repeals the requirement that a notice of sale must be published;
7. Indicates that an operator of a self-storage facility must hold a balance from proceeds of a sale for 90 days from the date of the sale and that if the balance is not claimed after 90 days, the balance becomes the property of the operator;
8. In the case of a rental agreement, sets a maximum amount for a claim by an occupant to be the value that was set as the maximum value of the stored property in the rental agreement; and
9. Gives the operator the right to immediately take possession of the leased space and dispose of the property if the occupant abandons the leased space.

Committee Amendment "A" (S-248)

This amendment removes language that would have given the operator of a self-storage facility the right to take possession of abandoned leased space without any duty of accounting or any liability to any party. This amendment also makes a number of grammatical and technical changes to the bill.

Enacted Law Summary

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

Public Law 2011, chapter 376 amends the Maine Self-service Storage Act. It:

1. Defines abandoned leased space, electronic mail and verified mail;
2. Adds all-terrain vehicles, off-road vehicles and recreational vehicles to the definition of "personal property";
3. Sets the date that a lien attaches to the property within a leased storage space as the date the occupant leases the space;
4. Clarifies what happens to property with a value of \$750 or more and less than \$750, and if the property is a motor vehicle, it clarifies that the operator of the leased space may have the motor vehicle towed;
5. Clarifies how a notice must be sent;
6. Repeals the requirement that a notice of sale must be published;
7. Indicates that an operator of a self-storage facility must hold a balance from proceeds of a sale for 90 days from the date of the sale and that if the balance is not claimed after 90 days, the balance becomes the property of the operator;
8. In the case of a rental agreement, sets a maximum amount for a claim by an occupant to be the value that was set as the maximum value of the stored property in the rental agreement; and
9. Gives the operator the right to immediately take possession of the leased space and dispose of the property if the occupant abandons the leased space.

LD 1432 An Act To Expand Apprenticeship Programs and Scholarship Programs with Funding from Identification of Ineffective Economic Development Tax Incentives ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| STUCKEY ALFOND | ONTP | |

This bill requires the Maine Jobs Council, through the Standing Committee on Apprenticeship, to establish apprenticeships in high-wage, high-demand occupations and requires the Department of Labor to increase the availability of apprenticeship programs and competitive skills scholarships for students in apprenticeship programs. The bill also requires the Maine Community College System to expand training programs for high-demand allied health care occupations. The Commissioner of Administrative and Financial Services is directed to contract with the University of Maine System to evaluate tax expenditures identified as economic development incentives for effectiveness and to identify up to \$10,000,000 in revenue savings to fund the expansions in apprenticeships and scholarships.