

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

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

LD 1450 An Act To Enforce Wage Laws ONTP

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

This bill defines "employee," "employer" and "independent contractor" for the purposes of the wages and medium of payment provisions of the labor laws in order to prevent misclassification of employees and their exclusion from wage law protection. It strengthens notification and reporting requirements. The bill includes shareholders' liability to protect employees who are hired by corporations that use bankruptcy law to evade payment. It makes each violation of the wage and medium of payment provisions that occurs during a separate week, including discriminatory or retaliatory practices, a separate violation. The bill also prohibits employer retaliation against employees or others who bring complaints under the law.

LD 1451 An Act To Create Transparency and Accountability in Economic Carried Over
Development Subsidies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL		

This bill enacts certain safeguards for state and local government expenditures for economic development and job creation by creating a procedure to collect, analyze and make publicly available information regarding those expenditures. It allows the governmental entity making a subsidy to recapture the subsidy if the recipient defaults on the employment, wages, health care or other benefits promised by the recipient in its application for the subsidy.

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

LD 1472 An Act To Create the State Advanced Practice Registered Nursing MAJORITY
Board (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE	ONTP MAJ OTP-AM MIN	

This bill establishes the State Advanced Practice Registered Nursing Board that is independent of the State Board of Nursing and provides separate oversight and regulation of advanced practice registered nurses.

Committee Amendment "A" (S-137)

This amendment is the minority report of the committee. It replaces the bill and changes the membership of the State Board of Nursing by adding an additional advanced practice registered nurse and reducing the number of

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

public members appointed to the board by one. This amendment was not adopted.

LD 1475 An Act To Authorize the Training of Expanded Function Dental Assistants within Tribal Territories ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL MCCORMICK	ONTP	

This bill allows a licensed dentist who practices within the territory of a federally recognized Indian tribe to train and certify an expanded function dental assistant to perform dental procedures within the territory of the federally recognized Indian tribe.

LD 1505 An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use PUBLIC 222 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN RECTOR	OTP-AM	H-325

This bill clarifies that treatment for nicotine addiction is within an alcohol and drug counselor's scope of practice but does not require those providing nicotine treatment to be licensed as alcohol and drug counselors.

Committee Amendment "A" (H-325)

This amendment strikes that section of the bill that proposes a new definition of "drug" in the laws governing alcohol and drug counselors but retains the provision allowing a person to engage in nicotine addiction counseling without a license as an alcohol and drug counselor. It also amends the definition of "alcohol and drug counseling services" to include nicotine addiction counseling and treatment services.

Enacted Law Summary

Public Law 2011, chapter 222 amends the definition of "alcohol and drug counseling services" within the laws governing alcohol and drug counselors to include nicotine addiction counseling and treatment services and allows a person to engage in nicotine addiction counseling without a license as an alcohol and drug counselor.

Public Law 2011, chapter 222 was enacted as an emergency measure effective June 3, 2011.

LD 1515 An Act To Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP	

This bill clarifies and simplifies the reporting requirement for general contractors for public construction projects by moving the requirement from the various state agencies to a central reporting site at the Workers' Compensation