

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.

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electrician who performed the work that resulted in the order of correction to also comply with the order. It amends the occupational therapy laws to provide for a 6-month temporary license that may be extended for an additional 6 months, if necessary.

6. It reduces the number of members on the State Board of Alcohol and Drug Counselors from 9 members to 5 members with 4 licensed alcohol and drug counselors and one public member appointed by the Governor. The terms of other existing board member positions will terminate on the effective date of the bill.

7. It reduces the term of a temporary license for a person to practice respiratory care from one year to 90 days. Such a license may be extended for an additional 90 days if necessary. It also reduces the required supervision of a temporary permit holder from direct supervision to general supervision.

8. It clarifies that the current branch office licensing requirement for a real estate brokerage business does not extend to home offices of real estate licensees. In addition, it requires that a brokerage agreement between a real estate brokerage agency and a client must include a statement that the agreement creates an agency-client relationship.

9. It clarifies that members of the Board of Real Estate Appraisers and investigators are not subject to certain professional appraiser practices when they review complaint matters. It replaces the current minimum hour requirements for continuing education courses for real estate appraisers with continuing education requirements that will be determined by rule by the Department of Professional and Financial Regulations, Board of Real Estate Appraisers

10. It creates a limited barber license; changes references to "manicuring" to "nail technology" to reflect current industry terminology; increases the time period for initial licensure after passing the examination for applicants seeking licensure in barbering, cosmetology, nail technology or aesthetics; eliminates the student requirement and replaces it with a student roster report at no cost; eliminates certain location restrictions on mobile establishments; and makes other minor technical changes.

11. It amends the laws governing massage therapy to require that a licensee who applies for license renewal more than 90 days after the expiration date is subject to all requirements governing new applicants.

12. It adds an eligibility provision for foreign educated applicants and changes the name of the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting to the Board of Speech, Audiology and Hearing.

LD 1566

An Act To Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising

ONTP

Sponsor(s)

DAMON

Committee Report

ONTP

Amendments Adopted

Current law places certain restrictions on professional solicitors, who are persons or companies that solicit donations on behalf of charitable organizations.

This bill requires a professional solicitor who receives more than 25% of the solicited donation to disclose to the donor the percentage of the donation the professional solicitor receives, the percentage of the donation the charitable organization receives, whether the donation is sent by the donor to the professional solicitor or to the charitable organization and whether the professional solicitor's fee is paid prior to or after the distribution of the

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donation to the charitable organization.

As under the current law, a failure to make the disclosures required by this bill is a violation of the Maine Unfair Trade Practices Act and an intentional violation is a Class D crime.

LD 1571 An Act To Amend the Laws Governing Workers' Compensation

Carried Over

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

This bill amends provisions of the Maine Workers' Compensation Act of 1992 and procedures of the Workers' Compensation Board.

1. It amends the law to provide for full reimbursement to an employer from proceeds paid by a third party.
2. It amends the selection process for the Workers' Compensation Board. Under current law, the three representatives of labor on the board must be appointed from a list provided by a bona fide labor organization or association of employees. This bill instead requires that one of the three labor members be appointed from that list; the other two labor representatives must be appointed at the discretion of the Governor.
3. It repeals the troubleshooter program established under the Maine Revised Statutes, Title 39-A, section 153, subsection 2.
4. It amends the mediation provision to require that mediation be requested both by the employer and the employee.
5. It eliminates the board's audit and enforcement oversight of the Maine Insurance Guaranty Association.
6. It amends the law to address the decision in *Roy v. Bath Iron Works*, 2008 ME 94, to specifically provide that a subsequent nonwork injury, independent of any work-related injury, and unrelated to any work-related injury, that results in total disability results in a cessation of benefits for the duration of the disability.
7. It specifies that, if an award has been entered, the employer, insurer or group self-insurer may petition the board for a reduction and may not reduce or discontinue benefits until the issuance of a decree by a hearing officer, after which benefits may be reduced or discontinued pending an appeal from the hearing officer's decree.
8. It eliminates the requirement that a physician have an active practice in order to be qualified to conduct a medical examination.
9. It provides that if an employee chooses to have a physician present at an employer-required examination, the employee must pay the cost of that physician.
10. Under current law, in establishing standards, schedules or scales of maximum charges, the board is required to consider maximum charges paid by private third-party payors. This bill requires the board to base those standards, schedules or scales on reasonably and customarily negotiated charges between health care providers and third-party insurers and requires that if standards are not established by October 1, 2011, then charges customarily paid by MaineCare apply.
11. It amends the laws governing compensation for partial incapacity.