

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**MEMBERS:**

SEN. CHRISTOPHER W. RECTOR, CHAIR  
SEN. THOMAS H. MARTIN, JR.  
SEN. TROY DALE JACKSON

REP. KERRI L. PRESCOTT., CHAIR  
REP. DANA L. DOW  
REP. MELVIN NEWENDYKE  
REP. AMY FERN VOLK  
\*REP. FREDERICK L. WINTLE  
REP. JOHN L. TUTTLE, JR.  
REP. TIMOTHY E. DRISCOLL  
REP. PAUL E. GILBERT  
REP. ROBERT B. HUNT  
REP. ERIN D. HERBIG

**STAFF:**

CAROLYN RUSSO, LEGISLATIVE ANALYST  
NATALIE HAYNES, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

\* REPLACED LATE IN THE SESSION BY REP. ANDRE E. CUSHING III

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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**

- 12. It repeals provisions of the law requiring the board to adjust the 15% impairment threshold, dates of injury and extension of the period of benefit limitation.
- 13. It provides that an employee who is otherwise retired is not presumed to have a loss of earnings or earning capacity regardless of whether the employee terminates active employment.
- 14. It amends the statute of limitations periods when no first report of injury is required to be filed.
- 15. It amends the law to address the decision in *Larochelle v. Crest Shoe*, 655 A. 2d 1245 (Me 1995) to specify that overpayments made during the pendency of a motion for findings of fact and conclusions of law must be repaid.
- 16. It prohibits the board from assessing a fine against an employer or insurer in excess of \$25,000 unless the employer or insurer intentionally and fraudulently failed to pay compensation.
- 17. It provides that, for injuries occurring after January 1, 2005, lump-sum attorney's fees are paid on the indemnity portion of a settlement.
- 18. It prohibits the assessment of an attorney's fee for the amount of any settlement intended to pay for current or future medical costs.
- 19. It repeals provisions regarding the Supplemental Benefits Fund, which was established to reimburse payments of compensation to employees under provisions governing extended benefits for partial incapacity that are repealed in this bill.

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

**LD 1573**

**An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics**

**PUBLIC 450**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX RECTOR	OTP-AM	H-397 H-658 PRESCOTT

This bill permits the Board of Dental Examiners to issue a limited license to a dentist who has retired from the regular practice of dentistry for the purposes of permitting the dentist to practice in a nonprofit dental clinic.

**Committee Amendment "A" (H-397)**

This amendment provides that a retired dentist who receives a limited license to practice at a nonprofit dental clinic may not receive any remuneration for work performed at the clinic. The amendment requires the applicant to furnish proof satisfactory to the board that the applicant has been licensed to practice dentistry in this State and is in good standing with the board. It also requires that an applicant licensed to practice dentistry in another state or a Canadian province have professional education that is not less than required in this State and that the applicant must be in good standing and not subject to disciplinary action in the state or Canadian province in which the license was granted. The amendment also adds an appropriations and allocations section.

**House Amendment "A" (H-658)**

This amendment reduces the fee for a limited biennial license and renewal of a limited biennial license from \$200 to \$75.

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

### **Enacted Law Summary**

Public Law 2011, chapter 450 allows the Board of Dental Examiners to issue a limited license to a dentist who has retired from the regular practice of dentistry for the purposes of permitting the dentist to practice in a nonprofit dental clinic. The law provides that a retired dentist who receives a limited license to practice at a nonprofit dental clinic may not receive any remuneration for work performed at the clinic. It requires the applicant to furnish proof satisfactory to the board that the applicant has been licensed to practice dentistry in this State and is in good standing with the board. The law also requires that an applicant licensed to practice dentistry in another state or a Canadian province have professional education that is not less than required in this State and that the applicant must be in good standing and not subject to disciplinary action in the state or Canadian province in which the license was granted. The fee for a limited biennial license and renewal of a limited biennial license is \$75.