

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,  
RESEARCH AND ECONOMIC DEVELOPMENT**

June 2012

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# STATE OF MAINE

125<sup>TH</sup> LEGISLATURE  
SECOND 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 Second 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.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125<sup>th</sup> Legislature is Thursday, August 30, 2012. 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**

- 11. It amends the laws governing compensation for partial incapacity.
- 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.

**LD 1600      An Act To Provide That Persons Hiring Assistants To Provide Home Care for Relatives Are Not Employers for Purposes of Unemployment Compensation Laws      ONTP**

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

This bill provides that personal care services or health care services performed in the home for an individual by a person retained to provide those services by the individual, a family member of the individual or a person sharing a household with the individual are not considered employment for the purposes of the unemployment compensation laws. The bill also corrects cross-references and updates language to incorporate subsequent statutory changes.

**LD 1607      An Act To Preserve the Integrity of the Maine Certified Public Accountant Examination      PUBLIC 478  
EMERGENCY**

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

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

This bill requires that an applicant for the certified public accountant examination must have completed certain accounting and auditing courses in order to be eligible to take the examination.

**Enacted Law Summary**

Public Law 2011, chapter 478 requires that an applicant for the certified public accountant examination must have completed certain accounting and auditing courses in order to be eligible to take the examination.

Public Law 2011, chapter 478 was enacted as an emergency measure effective February 29, 2012.

**LD 1608 An Act To Clarify the Laws Governing Pharmacy Interns**

**PUBLIC 496**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING RECTOR	OTP-AM	H-715

This bill defines a "pharmacy intern" as a person who is enrolled in or a graduate of a college or school of pharmacy, is authorized to engage in the practice of pharmacy while under the supervision of a licensed pharmacist and is registered with the Maine Board of Pharmacy. This bill also gives to the Maine Board of Pharmacy the responsibility to register pharmacy interns.

**Committee Amendment "A" (H-715)**

This amendment clarifies that a pharmacy intern must be under the direct supervision of a licensed pharmacist when the intern is engaging in the practice of pharmacy.

It makes a technical correction by striking the term "registration" and replacing it with "licensing" to provide consistency with terminology in the statutes relating to the Maine Board of Pharmacy. It also adds an appropriations and allocations section to the bill.

**Enacted Law Summary**

Public Law 2011, chapter 496 defines a "pharmacy intern" as a person who is enrolled in or a graduate of a college or school of pharmacy, is authorized to engage in the practice of pharmacy while under the direct supervision of a licensed pharmacist and is licensed with the Maine Board of Pharmacy.

**LD 1619 An Act To Resolve Conflicts in the Implementation of the Maine Uniform Building and Energy Code**

**PUBLIC 582**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-486

This bill limits the scope and effect of the Maine Uniform Building and Energy Code to those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code. Under this bill, the requirement that a building official be certified in the enforcement of the Maine Uniform Building and Energy Code, and the inspection of buildings and issuance of occupancy permits only upon compliance with the Maine Uniform Building and Energy Code, applies only in those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform