

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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

125TH 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 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.

<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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 125th 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

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

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Building and Energy Code. This bill also specifies that a municipality that adopts the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code may do so by reference, as is allowed for other codes.

Committee Amendment "A" (S-486)

This amendment establishes the right to appeal decisions made by building officials to the municipal officers or to a municipality's board of appeals, if a local ordinance does not provide for an appeal process. It also clarifies that an appeal from a decision of a building official with respect to the issuance of an occupancy permit may be taken pursuant to an alternative appeal process established by ordinance or by an appeal to municipal officers or to a municipality's board of appeals.

Enacted Law Summary

Public Law 2011, chapter 582 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. The law specifies that the requirement for a building official to 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 Building and Energy Code. It also specifies that a municipality that adopts the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code may do so by reference, as is allowed for other codes.

The law also establishes the right to appeal decisions made by building officials to the municipal officers or to a municipality's board of appeals, if a local ordinance does not provide for an appeal process. It also clarifies that an appeal from a decision of a building official with respect to the issuance of an occupancy permit may be taken pursuant to an alternative appeal process established by ordinance or by an appeal to municipal officers or to a municipality's board of appeals.

LD 1638 An Act To Enhance the Duties and Responsibilities of the Director of the Division for the Deaf, Hard of Hearing and Late Deafened

PUBLIC 474

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

This bill clarifies the Director of the Division for the Deaf, Hard of Hearing and Late Deafened has oversight of vocational rehabilitation counselors who work in the Department of Labor, Bureau of Rehabilitation Services' division of vocational rehabilitation and serve deaf, hard-of-hearing and late-deafened persons. The bill also removes language that provides that the Director of the Bureau of Rehabilitation Services appoints the Director of the Division for the Deaf, Hard of Hearing and Late Deafened.

Enacted Law Summary

Public Law 2011, chapter 474 clarifies the Director of the Division for the Deaf, Hard of Hearing and Late Deafened has oversight of vocational rehabilitation counselors who work in the Department of Labor, Bureau of Rehabilitation Services' division of vocational rehabilitation and serve deaf, hard-of-hearing and late-deafened persons. It also removes language that provides that the Director of the Bureau of Rehabilitation Services appoints the Director of the Division for the Deaf, Hard of Hearing and Late Deafened.