

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
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

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

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

LD 1675

Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

RESOLVE 167

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM MAJ ONTP MIN	S-412 S-442 RECTOR

This resolve establishes the Task Force To Facilitate the Development of Unoccupied Mills. The purpose of the task force is to help municipalities with unoccupied mills to develop the sites and to help improve their local economies.

Committee Amendment "A" (S-412)

This amendment is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development. This amendment strikes and replaces the resolve and requires the Department of Economic and Community Development to establish and coordinate a response team to facilitate the redevelopment of unoccupied mills and other large unoccupied buildings. The Department of Environmental Protection, the Finance Authority of Maine and the Maine State Housing Authority must participate in the response teams, and the Department of Economic and Community Development must invite the participation in the response team of a representative of a commercial real estate developer, a representative from an economic development district, a local economic development representative and a private sector representative knowledgeable in the mill redevelopment process. It provides that the response team must facilitate the Department of Economic and Community Development's efforts to redevelop unoccupied mills, other large unoccupied buildings and former schools that are now unoccupied. It requires the response team to provide assistance upon request to any municipality that is actively working to implement an unoccupied building redevelopment business plan for an unoccupied building and that has identified within the business plan possible financing resources and marketing plans for the redevelopment of the unoccupied site.

It directs the Department of Economic and Community Development to provide a report by February 1, 2013 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Governor on the coordinated response efforts. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding the response team's recommendations to the First Regular Session of the 126th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-442)

This amendment strikes the emergency preamble and emergency clause and changes from June 15, 2012, to August 1, 2012 the date by which the Department of Economic and Community Development must establish and coordinate the response team.

Enacted Law Summary

Resolve 2011, chapter 167 requires the Department of Economic and Community Development to establish and coordinate a response team starting on August 1, 2012, that will facilitate the redevelopment of unoccupied mills and other large unoccupied buildings. The Department of Environmental Protection, the Finance Authority of Maine and the Maine State Housing Authority must participate in the response teams, and the Department of Economic and Community Development must invite the participation in the response team of a representative of a commercial real estate developer, a representative from an economic development district, a local economic development representative and a private sector representative knowledgeable in the mill redevelopment process. It provides that the response team must facilitate the Department of Economic and Community Development's efforts to redevelop

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

unoccupied mills, other large unoccupied buildings and former schools that are now unoccupied. It requires the response team to provide assistance upon request to any municipality that is actively working to implement an unoccupied building redevelopment business plan for an unoccupied building and that has identified within the business plan possible financing resources and marketing plans for the redevelopment of the unoccupied site.

Chapter 167 directs the Department of Economic and Community Development to provide a report by February 1, 2013 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Governor on the coordinated response efforts. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding the response team's recommendations to the First Regular Session of the 126th Legislature.

LD 1685 An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR RECTOR	OTP-AM	H-732 H-744 O'CONNOR

This bill conforms Maine law to federal law as it pertains to payment of overtime to truck drivers and driver's helpers.

Committee Amendment "A" (H-732)

This amendment maintains the overtime rate of 1 1/2 times the regular hourly rate for hours worked in excess of 40 hours per week for drivers and driver's helpers who are paid an hourly rate. The amendment directs the director of the wage and hour division within the Department of Labor to review the impact of this Act on drivers and driver's helpers with regard to changes in the method of payment, the rate of pay and whether or not the change in the standard of pay has attracted new employers and report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2014. The amendment also adds an appropriations and allocations section to the bill.

House Amendment "A" To Committee Amendment "A" (H-744)

This amendment specifies that the director of the wage and hour division within the Department of Labor must undertake the review and report within the division's existing resources and eliminates the appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 681 maintains the overtime rate of 1 1/2 times the regular hourly rate for hours worked in excess of 40 hours per week for drivers and driver's helpers who are paid an hourly rate, while exempting interstate drivers and driver's helpers who are paid by a rate other than hourly.

The law also directs the director of the wage and hour division within the Department of Labor to review and report, within existing resources, the impact on drivers and driver's helpers with regard to changes in the method of payment, the rate of pay, and whether or not the change in the standard of pay has attracted new employers. The report is due to the joint standing committee of the Legislature having jurisdiction over labor matters is by January 15, 2014.