

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

Foresters and the Department of Conservation, Maine Forest Service to jointly develop recommendations for simplifying the licensing requirements for foresters. The simplification includes exempting applicants with a specific level of experience and knowledge from the education requirements and simplifying the testing requirements for foresters. The board is required to submit the recommendations and implementing legislation to the 126th Legislature.

LD 1777 An Act To Correct an Inconsistency in the Employment Security Law

PUBLIC 516

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP	S-399 RECTOR

This bill addresses an inconsistency in the treatment of unemployment benefits for persons receiving pensions. Under current law an individual who otherwise qualifies for unemployment benefits is completely denied benefits if the individual receives a pension that was contributed to solely by a base period employer. The complete denial of benefits is inconsistent with the treatment of individuals who contributed less than 50% to their pension, which results in only a partial reduction in benefits. This bill seeks to remedy this apparent inconsistency in the rare occurrences when the pension contributions were made solely by the base period employer by reducing unemployment benefits based on the amount of the pension.

Senate Amendment "A" (S-399)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 516 addresses an inconsistency in the treatment of unemployment benefits for persons receiving pensions. Under current law an individual who otherwise qualifies for unemployment benefits is completely denied benefits if the individual receives a pension that was contributed to solely by a base period employer. The complete denial of benefits is inconsistent with the treatment of individuals who contributed less than 50% to their pension, which results in only a partial reduction in benefits. Public Law 2011, chapter 516 seeks to remedy this apparent inconsistency in the rare occurrences when the pension contributions were made solely by the base period employer by reducing unemployment benefits based on the amount of the pension.

LD 1778 An Act Relating to the Governance of the Maine State Housing Authority

PUBLIC 560

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-467

This bill removes the provision of law that provides that the Director of the Maine State Housing Authority serves a 4-year term of office. The bill provides that the director does not have a term of office and that the director serves at the pleasure of the commissioners of the Maine State Housing Authority. It also removes the provision of law that states that the powers and duties of the Maine State Housing Authority, with certain exceptions, are vested solely in the Director of the Maine State Housing Authority.

Committee Amendment "A" (S-467)

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

This amendment replaces the bill. It makes the following changes to the laws governing the Maine State Housing Authority.

1. It removes references in the statute to the advisory board, which is no longer used.
2. It establishes that the powers of the Maine State Housing Authority are vested in the commissioners, and removes the provision that vested that authority with the director, as well as removes provisions that limited the role of the commissioners of the Maine State Housing Authority to establishing and revising the policies of the Maine State Housing Authority relating to particular matters.
3. It provides that the commissioners may delegate such powers and duties to the director of the Maine State Housing Authority as they determine appropriate.
4. It allows the chair to vote when the chair's vote will affect the result, instead of only in the event of a tie.
5. It provides that action may be taken by the commissioners upon a vote of a majority of the commissioners present, unless otherwise specified in law or required by the Maine State Housing Authority's bylaws.
6. It establishes the director as the chief administrative officer of the Maine State Housing Authority and removes the director's term of office.
7. It establishes that the commissioners, instead of the Governor, establish the rate and amount of compensation of the director and that the commissioners are responsible for the performance review and termination of the director. It provides that any decision to terminate the director must be done by an affirmative vote of at least 5 commissioners.
8. It provides that the director of the Maine State Housing Authority is responsible for supervising the administrative affairs and technical activities of the Maine State Housing Authority in accordance with the rules and policies established by the commissioners.
9. It amends the section governing the removal of the commissioners and director to reflect the changes made authorizing the removal of the director by the commissioners.
10. It establishes staggered terms for the commissioners of the Maine State Housing Authority.

Enacted Law Summary

Public Law 2011, chapter 560 makes the following changes to the laws governing the Maine State Housing Authority.

1. It removes references in the statute to the advisory board, which is no longer used.
2. It establishes that the powers of the Maine State Housing Authority are vested in the commissioners, and removes the provision that vested that authority with the director, as well as removes provisions that limited the role of the commissioners of the Maine State Housing Authority to establishing and revising the policies of the Maine State Housing Authority relating to particular matters.
3. It provides that the commissioners may delegate such powers and duties to the director of the Maine State Housing Authority as they determine appropriate.
4. It allows the chair to vote when the chair's vote will affect the result, instead of only in the event of a tie.
5. It provides that action may be taken by the commissioners upon a vote of a majority of the commissioners

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

present, unless otherwise specified in law or required by the Maine State Housing Authority's bylaws.

- 6. It establishes the director as the chief administrative officer of the Maine State Housing Authority and removes the director's term of office.
- 7. It establishes that the commissioners, instead of the Governor, establish the rate and amount of compensation of the director and that the commissioners are responsible for the performance review and termination of the director. It provides that any decision to terminate the director must be done by an affirmative vote of at least 5 commissioners.
- 8. It provides that the director of the Maine State Housing Authority is responsible for supervising the administrative affairs and technical activities of the Maine State Housing Authority in accordance with the rules and policies established by the commissioners.
- 9. It amends the section governing the removal of the commissioners and director to reflect the changes made authorizing the removal of the director by the commissioners.
- 10. It establishes staggered terms for the commissioners of the Maine State Housing Authority.

**LD 1786 An Act To Amend the Requirement That the Department of Labor
Calculate the Livable Wage**

PUBLIC 569

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT RECTOR	OTP-AM	H-810

Current law requires the Department of Labor to biennially calculate the livable wage for households in the State's counties and municipalities by family size; the department is required to report this calculation to the Legislature. This bill removes the requirement that the department calculate the livable wage as well as the reporting requirement.

Committee Amendment "A" (H-810)

This amendment repeals the current law that requires the Department of Labor to calculate the livable wage, develop a basic needs budget based on a number of different sizes of families and report its findings to the Legislature.

This amendment requires the department to calculate the livable wage and develop a basic needs budget based on, at a minimum, a representative family size of a 2-parent household with 2 earners and 2 children and report the results to the Legislature, but only if funds are appropriated.

Enacted Law Summary

Public Law 2011, chapter 569 requires the department to calculate the livable wage and develop a basic needs budget based on, at a minimum, a representative family size of a 2-parent household with 2 earners and 2 children and report the results biennially to the Legislature, but only if funds are appropriated.