

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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**

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STATE OF MAINE

126TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

LD 1

An Act To Amend the Maine Workers' Compensation Act of 1992

PUBLIC 63

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-31

This bill:

1. Clarifies that the Workers' Compensation Board will no longer publish average weekly wage tables after December 1, 2011. Publication of the tables is no longer necessary because, pursuant to Public Law 2011, chapter 647, compensation for employees injured on and after January 1, 2013 is based on 2/3 of gross average weekly wage as opposed to 80% of after-tax average weekly wage;
2. Makes the presumption of dependency consistent for spouses;
3. Extends the time within which the board must take action on a predetermination request from 14 to 30 days;
4. Establishes that review of a predetermination request is final within the board;
5. Establishes that a request for evaluation of the need for employment rehabilitation is not subject to review outside of the agency;
6. Extends to 2 years the period within which an employee can petition for reinstatement to an employer with 200 or fewer employees;
7. Establishes that an employer is required to reimburse its insurer if the employer is responsible for the late filing of a first report of injury;
8. Clarifies procedures relating to the Appellate Division within the Workers' Compensation Board by:
 - A. Providing that clerical mistakes in decrees may be corrected when a matter is pending before the Appellate Division;
 - B. Specifying that an appellant must file a copy of the hearing officer's decision and not an order or agreement; and
 - C. Specifying that the Appellate Division may affirm, vacate or remand a decree of a hearing officer;
9. Clarifies procedures relating to the review of a decision by the board pursuant to the Maine Revised Statutes, Title 39-A, section 320 by:
 - A. Stipulating that appeals of decisions issued by the board pursuant to section 320 must be filed with the Law Court, not the Appellate Division;
 - B. Providing that a hearing officer decree can be appealed to the Appellate Division if the board declines review; and
 - C. Permitting the board to remand a hearing officer decree; and

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

10. Clarifies that benefits must be paid while an appeal is pending before the Appellate Division and that benefits paid while a case is pending before the Appellate Division are subject to repayment in the same manner as when the Law Court decides an employee is not entitled to compensation.

Committee Amendment "A" (S-31)

This amendment clarifies that a spouse who is dependent in any way on the injured employee at the time of injury is included in the definition of "dependent" under the workers' compensation law. This maintains the same standard that is currently in statute. This amendment also makes clear that the Workers' Compensation Board's ruling in a predetermination hearing is not subject to review by the Superior Court. Additionally, this amendment expands the certification requirements for independent medical examiners to include the certifications relevant to chiropractors, podiatrists and psychologists.

Enacted Law Summary

Public Law 2013, chapter 63 does the following.

1. It clarifies that the Workers' Compensation Board will no longer publish average weekly wage tables after December 1, 2011. Publication of the tables is no longer necessary because, pursuant to Public Law 2011, chapter 647, compensation for employees injured on and after January 1, 2013 is based on 2/3 of gross average weekly wage as opposed to 80% of after-tax average weekly wage.
2. It makes the presumption of dependency consistent for spouses.
3. It extends the time within which the board must take action on a predetermination request from 14 to 30 days.
4. It establishes that review of a predetermination request is final within the board.
5. It establishes that a request for evaluation of the need for employment rehabilitation is not subject to review outside of the agency.
6. It extends to 2 years the period within which an employee can petition for reinstatement to an employer with 200 or fewer employees.
7. It establishes that an employer is required to reimburse its insurer if the employer is responsible for the late filing of a first report of injury.
8. It clarifies procedures relating to the Appellate Division within the Workers' Compensation Board by:
 - A. Providing that clerical mistakes in decrees may be corrected when a matter is pending before the Appellate Division;
 - B. Specifying that an appellant must file a copy of the hearing officer's decision and not an order or agreement; and
 - C. Specifying that the Appellate Division may affirm, vacate or remand a decree of a hearing officer.
9. It clarifies procedures relating to the review of a decision by the board pursuant to the Maine Revised Statutes, Title 39-A, section 320 by:
 - A. Stipulating that appeals of decisions issued by the board pursuant to section 320 must be filed with the Law Court, not the Appellate Division;
 - B. Providing that a hearing officer decree can be appealed to the Appellate Division if the board declines

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

review; and

C. Permitting the board to remand a hearing officer decree.

10. It clarifies that benefits must be paid while an appeal is pending before the Appellate Division and that benefits paid while a case is pending before the Appellate Division are subject to repayment in the same manner as when the Law Court decides an employee is not entitled to compensation.

11. It clarifies that the Workers' Compensation Board's ruling in a predetermination hearing is not subject to review by the Superior Court.

12. It expands the certification requirements for independent medical examiners to include the certifications relevant to chiropractors, podiatrists and psychologists.

LD 32 An Act To Expand the Types of Vaccines That May Be Administered by Pharmacists

PUBLIC 6

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C SANBORN	OTP	

Current law allows a pharmacist to administer a vaccine licensed by the United States Food and Drug Administration to a person 18 years of age or older with a valid prescription as long as the vaccine is recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices and the person has a primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner.

This bill allows a pharmacist also to administer a vaccine licensed by the United States Food and Drug Administration to a person 18 years of age or older who has a primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner if the vaccine is outside the guidelines recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices if the prescription specifically states that the vaccine is medically necessary.

Enacted Law Summary

Public Law 2013, chapter 6 allows a pharmacist to administer a vaccine licensed by the United States Food and Drug Administration to a person 18 years of age or older who has a primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner if the vaccine is outside the guidelines recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices if the prescription specifically states that the vaccine is medically necessary.

LD 35 An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council

PUBLIC 102

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-72

Under current law, 4 members of the Legislature are appointed to the Maine Economic Growth Council. This bill requires that 2 of the 4 legislative members must be Senators and 2 must be members of the House of Representatives. This bill also requires that, of the 2 members from each body, one must belong to the political party holding the largest number of seats in that body and one must belong to the political party holding the 2nd