

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
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**

July 2013

STAFF:

NATALIE HAYNES, LEGISLATIVE ANALYST
HENRY FOUTS, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. JOHN L. PATRICK, CHAIR
SEN. JOHN J. CLEVELAND
SEN. ANDRE E. CUSHING ,III

REP. ERIN D. HERBIG, CHAIR
REP. PAUL E. GILBERT
REP. SCOTT M. HAMANN
REP. ANDREW T. MASON
REP. ANNE-MARIE MASTRACCIO
REP. AMY F. VOLK
REP. BRIAN M. DUPREY
REP. LAWRENCE E. LOCKMAN
REP. ELLEN A. WINCHENBACH
REP. JAMES J. CAMPBELL, SR.

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.

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

LD 116 An Act To Amend the Laws Governing Pine Tree Development Zones ONTP
To Require Payment of a Livable Wage

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SHAW DUTREMBLE | ONTP | |

This bill requires that a qualified employee under the Pine Tree Development Zone program be paid at least a livable wage for the county in which the employee is employed. Current law requires that such an employee be paid an amount greater than the annual per capita personal income for the county in which the employee is employed. This bill also requires the Department of Labor to calculate the livable wage biennially by county and statewide. Current law requires the department to calculate the statewide livable wage only if funding has been appropriated for that purpose.

LD 117 An Act To Change the Composition of the Board of Dental Examiners ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SHAW DUTREMBLE | ONTP | |

This bill changes the composition of the Board of Dental Examiners, which in current law consists of 5 members of the dental profession, 2 dental hygienists, one dentist and one representative of the public. This bill changes the membership to 2 members of the dental profession, 2 dental hygienists, 2 dentists and 3 representatives of the public.

LD 118 An Act To Ensure the Authenticity of Items Reported To Have Been PUBLIC 302
Crafted by Native Americans

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SOCTOMAH BURNS | OTP-AM | H-255 |

This bill is based on federal law pertaining to certification of products made by Indians. The bill requires any person that sells authentic Indian arts and crafts to display the name, trademark, if any, and tribe of the person who made the product. An inauthentic product must be clearly labeled as inauthentic Indian arts and crafts. A violation of the requirements is a civil violation for which a fine of not more than \$5,000 for each violation may be adjudged.

Committee Amendment "A" (H-255)

This amendment replaces the bill and establishes that a violation of the federal law pertaining to misrepresentation of Indian products is also a violation of the Maine Unfair Trade Practices Act, which is enforceable by the Office of the Attorney General. It also establishes that an action brought by the Office of the Attorney General to enforce these provisions does not prevent a person from bringing a civil action to obtain injunctive or equitable relief or damages under the Federal Indian Arts and Crafts Act of 1990.

Enacted Law Summary

Public Law 2013, chapter 302 is based on federal law pertaining to certification of products made by Indians. It establishes that a violation of the federal law pertaining to misrepresentation of Indian products is also a violation of the Maine Unfair Trade Practices Act, which is enforceable by the Office of the Attorney General. It also

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

establishes that an action brought by the Office of the Attorney General to enforce these provisions does not prevent a person from bringing a civil action to obtain injunctive or equitable relief or damages under the Federal Indian Arts and Crafts Act of 1990.

LD 148 An Act To Amend the Laws Governing Pharmacy Interns

PUBLIC 98

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| NUTTING CUSHING | OTP-AM | H-83 |

This bill allows a pharmacist to administer certain vaccines to a person 9 years of age or older according to a valid prescription. Current law allows a pharmacist to administer these vaccines to a person 18 years of age or older. This bill also allows a pharmacy intern to administer drugs and vaccines under the direct supervision of a licensed pharmacist who is certified for the administration of drugs and vaccines.

Committee Amendment "A" (H-83)

This amendment removes the provision that allows a pharmacist to administer certain vaccines to a person 9 years of age or older. It allows a pharmacy intern to administer drugs and vaccines to a person 18 years of age or older under a pharmacist's direct supervision, as long as the pharmacy intern has obtained drug administration training.

Enacted Law Summary

Public Law 2013, chapter 98 allows a pharmacy intern to administer drugs and vaccines to a person 18 years of age or older under a pharmacist's direct supervision, as long as the pharmacy intern has obtained drug administration training.

LD 149 An Act To Make Gold and Silver Coins and Bars Legal Tender

**ACCEPTED
MAJORITY
(ONTP) REPORT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| LONGSTAFF TUTTLE | ONTP OTP | |

This bill makes gold and silver in coin or bar form legal tender for all transactions as long as the buyer and seller agree as to the fair market value of the gold or silver. This bill also allows the possession of any amount of gold or silver in coin or bar form and exempts from the sales tax the sale of gold or silver in coin or bar form for use as legal tender.

**LD 159 An Act Regarding the Laws Governing Unemployment Compensation
Benefits for Employees of Temporary Staffing Agencies**

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| VOLK CUSHING | ONTP | |

This bill specifies that, for purposes of unemployment compensation benefit eligibility, the failure of a temporary employee to contact the temporary staffing agency upon completion of a work assignment to seek additional work is considered a voluntary job separation, as long as the temporary staffing agency gives prior written notice of this