

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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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

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STATE OF MAINE

126TH LEGISLATURE
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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 414 An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways

PUBLIC 70

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK PATRICK	OTP-AM	H-55

This bill repeals the current board structure in the laws governing boiler and pressure vessel safety and elevator and tramway safety and places the duties and responsibility for administering and overseeing the licensing and inspection of boilers, pressure vessels, elevators and tramways under the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation. The bill retains the current enforcement authority of the chief boiler and elevator inspector to oversee the public safety inspection programs.

Committee Amendment "A" (H-55)

This amendment adds provisions describing the requirements for appointment to the position of Chief Inspector of Boilers and Pressure Vessels to the bill. It also removes the section of the bill that repeals the statutory language concerning assumption of the risk for injury when hang gliding. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 70 repeals the current board structure in the laws governing boiler and pressure vessel safety and elevator and tramway safety and places the duties and responsibility for administering and overseeing the licensing and inspection of boilers, pressure vessels, elevators and tramways under the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation. The law retains the current enforcement authority of the chief boiler and elevator inspector to oversee the public safety inspection programs and adds requirements for appointment to the position of Chief Inspector of Boilers and Pressure Vessels to the bill.

LD 416 An Act To Allow Complainants in Disciplinary Actions To Attend Informal Conferences Held by the State Board of Nursing in Executive Session

PUBLIC 23

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

This bill confirms that the complainant may be present and speak during an informal conference conducted by the Department of Professional and Financial Regulation, State Board of Nursing regarding a disciplinary action against a licensee. The bill also gives the State Board of Nursing the authority to report to the appropriate licensing board of the state to which a licensee has moved that a complaint has been filed against the licensee. The board may also take into account the professional records from another state where an individual was a licensee when determining whether to issue a license to that individual. The bill also requires the State Board of Nursing to amend its rules to implement the changes made by this bill.

Enacted Law Summary

Public Law 2013, chapter 23 confirms that the complainant may be present and speak during an informal conference conducted by the Department of Professional and Financial Regulation, State Board of Nursing regarding a disciplinary action against a licensee. The law also gives the State Board of Nursing the authority to report to the

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appropriate licensing board of the state to which a licensee has moved that a complaint has been filed against the licensee. The board may also take into account the professional records from another state where an individual was a licensee when determining whether to issue a license to that individual. The law also requires the State Board of Nursing to amend its rules to implement these changes.

LD 418 An Act To Enforce Wage Laws by Preventing Misclassification of Employees ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL	ONTP	

This bill defines "employee," "employer" and "independent contractor" for the purposes of the wages and medium of payment provisions of the labor laws in order to prevent misclassification of employees and their exclusion from wage law protection. It strengthens notification and reporting requirements. The bill includes shareholders' liability to protect employees who are hired by corporations that use bankruptcy law to evade payment. It makes each violation of the wage and medium of payment provisions that occurs during a separate week, including discriminatory or retaliatory practices, a separate violation. The bill also prohibits employer retaliation against employees or others who bring complaints under the law.

LD 426 An Act To Provide for the Continuity of a Veterinary Practice Subsequent to the Death or Incapacitation of the Owner PUBLIC 46

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

Under current law, a veterinarian may practice only under the veterinarian's own name or in association with one or more other veterinarians. This bill permits the legal guardian or personal representative of a deceased or incapacitated veterinarian to contract with another veterinarian to continue the practice for a period of up to 24 months after the death or incapacitation of the veterinarian or until the practice is sold, whichever occurs first.

Enacted Law Summary

Public Law 2013, chapter 46 permits the legal guardian or personal representative of a deceased or incapacitated veterinarian to contract with another veterinarian to continue the practice for a period of up to 24 months after the death or incapacitation of the veterinarian or until the practice is sold, whichever occurs first.

LD 431 An Act To Amend the Laws Governing the Work Permit Process for Minors and To Conform the Laws Governing Allowable Places of Work for Minors to Federal Law ACCEPTED MAJORITY (ONTP) REPORT

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

This bill allows a minor under 16 years of age to obtain a work permit directly from the Department of Labor, Bureau of Labor Standards when school is not in session during summer break. Current law requires the minor to obtain the permit through a school superintendent regardless of whether school is in session. The bill also allows a minor under 16 years of age to work in a bowling alley or theater, which conforms with federal law. Finally, the bill repeals an obsolete section of law that deals with triplicate permits and a master permit system.