

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**

July 2013

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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.

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

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.

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

Committee Amendment "A" (S-138)

This amendment, which is the minority report of the committee, allows a minor under 16 years of age to obtain a work permit from either the school superintendent or 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 amendment also restores a provision of law that was removed by the bill that specifies that a superintendent may sign a permit for a student who is attending summer school only if the student is enrolled in school, not truant, not under suspension and passing a majority of courses during the current grading period. The amendment retains one sentence of the language regarding triplicate permits and the master permit system, which was repealed by the bill, and amends it to allow the Department of Labor to direct the superintendent to cancel a permit when there is reason to believe the permit should be surrendered. This amendment was not adopted.

**LD 443 An Act To Amend the Maine Workers' Compensation Act of 1992 To
Provide Benefits to Seriously Injured Workers**

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM ONTP	S-250 S-265 PATRICK

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures designed to provide benefits under the Maine Workers' Compensation Act of 1992 to seriously injured workers.

Committee Amendment "A" (S-250)

This amendment is the majority report of the committee. Current eligibility requirements under the Maine Workers' Compensation Act of 1992 for long-term partial incapacity benefits require at least an 18% whole person permanent impairment due to the injury, a weekly wage of 65% or less of the preinjury weekly wage and that the employee have earnings for at least 12 of the prior 24 months. This amendment replaces those eligibility requirements with requirements that the employee have a demonstrated earning capacity of 70% or less than the employee's earnings at the time of injury and the employee is working within the employee's documented capacity. The amendment adds that compensation is to be made at a fixed rate and reviewable no more frequently than every 2 years. Additionally, the amendment creates a rebuttable presumption that an injured worker with partial incapacity is eligible for benefits in the weekly amount permitted for total incapacity benefits as long as that injured worker has performed a work search sufficient to qualify for unemployment benefits through the Maine Department of Labor. The amendment also provides that rehabilitation plans voluntarily offered by the injured worker's employer qualify the injured worker for the same presumption that work is unavailable that is currently afforded to participants in Workers' Compensation Board rehabilitation plans.

Senate Amendment "A" To Committee Amendment "A" (S-265)

This amendment changes the committee amendment regarding partial incapacity benefits for a person who is not working from an amount equal to the amount permitted for total incapacity under section 212 to the amount of "100% partial incapacity benefits under section 213."