

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

**LD 691 An Act To Prohibit Enforcement of Federal Laws Regulating
Commerce in Violation of the Constitution of the United States**

**ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY A MASON G	ONTP OTP	

This bill enacts the Intrastate Commerce Act to express the findings of the Legislature that the Commerce Clause of the United States Constitution is valid for the regulation of interstate commerce but not intrastate commerce. The bill prohibits a federal or state official, agent or employee from enforcing a federal act, order, law, statute, rule or regulation that attempts to regulate goods grown, manufactured or made in this State or services performed in this State. Violation by a federal official is a Class C crime, punishable by up to 5 years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in prison and a fine of up to \$2,000.

**LD 696 An Act To Include Raising Equines in the Definition of Agriculture for
the Purpose of the Maine Workers' Compensation Act of 1992**

PUBLIC 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO HICKMAN	OTP-AM	S-42

This bill amends the definition of "agriculture" as used in the Maine Workers' Compensation Act of 1992 to include the raising of equines. Equines are similarly included in "products used in animal agriculture" for purposes of providing an exemption from the sales and use tax.

Committee Amendment "A" (S-42)

This amendment replaces the bill and expands the exemption under the workers' compensation laws for employers of agricultural laborers by adding "equine activity" to the definition of "agriculture". "Equine activity" means activities as defined in the Maine Revised Statutes, Title 7, section 4101, subsection 5, which includes boarding, keeping, trailering, showing and displaying an equine. Additionally, this amendment applies to cases currently pending before the Workers' Compensation Board on the effective date of the Legislation.

Enacted Law Summary

Public Law 2013, chapter 111 expands the exemption under the workers' compensation laws for employers of agricultural laborers by adding "equine activity" to the definition of "agriculture". "Equine activity" means activities as defined in the Maine Revised Statutes, Title 7, section 4101, subsection 5, which includes boarding, keeping, trailering, showing and displaying an equine. This law applies to cases currently pending before the Workers' Compensation Board on the effective date of the legislation.

**LD 700 An Act To Require Elevators To Be Accessible for Ambulance
Stretchers**

ONTP

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

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

This bill requires that, beginning January 1, 2018, all existing multistory buildings that house private entities or nonprofit organizations that serve the public or are places of public accommodation, subject to specific exceptions, have at least one passenger elevator that is accessible from all levels within the building and that is of sufficient size to allow the transport of a person on an ambulance stretcher in the fully supine position, without having to raise, lower or bend the stretcher in any way. The bill also requires the Department of Professional and Financial Regulation, Board of Elevator and Tramway Safety to establish a plan for the inspection and certification of all passenger elevators in existing buildings required to meet the elevator size requirements and identify any legislative or regulatory changes that may be necessary and report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It also allows the Joint Standing Committee on Labor, Commerce, Research and Economic Development to submit a bill based on the report to the Second Regular Session of the 126th Legislature.

LD 722 Resolve, To Establish a Task Force To Review Section 8 Housing Construction Standards ONTP

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

This resolve establishes that, beginning October 1, 2013, the director of the Maine State Housing Authority is required to convene and coordinate a task force to review the eligibility standards for Section 8 housing construction in order to identify recommendations for improving the process, including the use of point systems, and the quality of the construction. The resolve requires the Maine State Housing Authority to invite the participation in the task force of residents from communities of various population sizes. It requires the director of the Maine State Housing Authority to provide a written report of the findings of the review and any recommendations resulting from the review to the Joint Standing Committee on Health and Human Services. The resolve authorizes the joint standing committee to report out a bill implementing the recommendations of the review to the Second Regular Session of the 126th Legislature.

LD 732 An Act To Impose a Holding Period during Which a Dealer in Secondhand Precious Metals Must Retain Property ONTP

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

This bill requires a dealer engaged in the purchase of secondhand precious metals, including pawnbrokers, to record specific information on each bill of sale before completing the purchase of any secondhand precious metals, to maintain these records for one year and to make the records available to law enforcement or a prosecuting attorney. The bill also prohibits a dealer who acquires secondhand precious metals from selling, disposing of or altering the property for a period of 10 days following the purchase.

LD 739 Resolve, To Establish a Task Force To Study Economic Development in Rural Areas ONTP

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

This resolve is a concept draft pursuant to Joint Rule 208. The purpose of this resolve is to establish a task force to study measures designed to encourage economic development and opportunity in rural areas of the State.