

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> 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

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# STATE OF MAINE

126<sup>TH</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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 747**      **An Act To Protect Doctors Who Prescribe a Complementary Course of Treatment and To Provide Insurance Coverage for That Treatment**      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON T	ONTP	

This bill provides that the Department of Professional and Financial Regulation, Board of Licensure in Medicine may not bring disciplinary action against a physician who prescribes or provides medicine or treatment that is authorized for a complementary health care provider. The bill also requires such treatment to be covered under health insurance plans.

**LD 761**      **An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws**      **PUBLIC 87**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SAVIELLO	OTP-AM	H-92

Currently, the laws governing workers' compensation exempt an employer of agricultural or aquacultural laborers from securing the payment of compensation with respect to its employees if the employer has 6 or fewer laborers or if the employer has more than 6 laborers but the total number of hours worked by those laborers in a week does not exceed 240. This bill instead specifies that an employer is exempt if the employer has 6 or fewer full-time agricultural or aquacultural laborers.

**Committee Amendment "A" (H-92)**

This amendment replaces the bill and instead reorganizes the text of the existing exemption in the workers' compensation laws for employers of agricultural or aquacultural laborers to provide more clarity in the law. This amendment also adds the spouses of parents, brothers, sisters and children under the definition of "immediate family members" not considered agricultural or aquacultural laborers.

**Enacted Law Summary**

Public Law 2013, chapter 87 reorganizes the text of the exemption in the workers' compensation laws for employers of agricultural or aquacultural laborers to provide more clarity in the law. This law adds the spouses of parents, brothers, sisters and children under the definition of "immediate family members" not considered agricultural or aquacultural laborers.

**LD 786**      **An Act To Ensure the Voluntary Membership of Public Employees in Unions**      **ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill makes a number of changes to the State's labor laws to allow public sector unions to represent only those public employees who voluntarily are members of that union. This bill also requires a public employee union to annually determine or certify the bargaining agent for that union.

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

**Committee Amendment "A" (H-91)**

This amendment, which is the minority report of the committee, changes the bill title and replaces the bill. It repeals the provision currently in statute that allows public employers to deduct service fees owed by an employee to a collective bargaining agent pursuant to a lawful collective bargaining agreement, and to remit those fees to the bargaining agent, without signed authorization from the employee. This amendment was not adopted.

**LD 788      An Act To Provide Vehicle Owners and Repair Facilities Access to      CARRIED OVER**  
**Vehicle Diagnostic and Repair Information and Equipment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON T		

This bill requires motor vehicle manufacturers to make available to owners of the manufacturer's motor vehicles and independent motor vehicle repair facilities diagnostic and repair information and equipment at no more than fair market value and in a way that does not unfairly favor the manufacturer's dealers and authorized repair facilities.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 808      An Act To Amend the Laws Concerning Scrap Metal Processors      PUBLIC 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF KATZ	OTP-AM	H-128

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to address methods of preventing and punishing thefts of copper, especially when the illegally obtained copper is being sold by one business to another.

**Committee Amendment "A" (H-128)**

This amendment replaces the bill, which was a concept draft. It broadens the form of payment allowed by scrap metal processors for the purchase of scrap metal to include payment by credit card or debit card, in addition to payment by check as currently required by law.

**Enacted Law Summary**

Public Law 2013, chapter 141 broadens the form of payment allowed by scrap metal processors for the purchase of scrap metal to include payment by credit card or debit card, in addition to payment by check.

**LD 809      Resolve, Directing the Secretary of State To Study the Need for a State      RESOLVE 37**  
**Regulatory Process for Scrap Metal Dealers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF MASON G	OTP-AM ONTP	H-147

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a licensing requirement for scrap metal processors similar to that for persons operating an automobile graveyard, automobile recycling business or