

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,  
RESEARCH AND ECONOMIC DEVELOPMENT**

May 2014

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION  
**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged 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.

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 Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. 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 314      An Act To Create the Office of Marketing      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides for the creation of a centralized Office of Marketing within the Department of Economic and Community Development, responsible for the coordination of all marketing efforts throughout State Government. The office will coordinate requests for proposals, contracts and participation in conferences and exhibits to create a centralized state marketing effort. This office is responsible for the coordination, development, approval and implementation of the state marketing strategy.

**LD 449      An Act To Ensure Consumer Choice in the Purchase of Prescription Drugs      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill clarifies and affirms the ability of Maine consumers to purchase mail order prescription drugs from licensed pharmacies that are located in certain nations specified under federal law.

**LD 690      An Act To Ensure Efficiency in the Unemployment Insurance System      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

During the First Regular Session, the bill was reported out by the committee with an amendment and placed on the Appropriations Table and carried over pursuant to Joint Order, H.P. 1145. The bill was referred back to the Labor, Commerce, Research and Economic Development Committee in the Second Regular Session.

This bill requires that determinations on all nonmonetary issues related to a claim for unemployment compensation be made within specified time frames.

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

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

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

This bill was carried over from the First Regular Session of the 126th Legislature.

It 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.

**LD 1154     An Act To Establish the Maine Length of Service Award Program**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER DUTREMBLE	OTP-AM ONTP	H-644 S-545 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

It establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. "Qualified services" is defined under the United States Internal Revenue Code, Section 457(e)(11) to mean "firefighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution deposited no later than the following July 1st for each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Length of Service Award Program Board of Trustees. Upon the attainment of 60 years of age or after having earned 20 years of service credit before 60 years of age, a volunteer who had attained a vested status in the program by having earned 5 years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those contributions. The vested portion of the program account award of a participating volunteer must be paid before 60 years of age after the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also payable before 60 years of age upon death or total and permanent disablement.

This bill authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor, and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well.

This bill raises the sales tax on consumer fireworks from 5% to 10% and dedicates the revenue from the increase to the program.

Under this bill, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration and investment services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

**Committee Amendment "B" (H-644)**

This amendment, which is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, eliminates the 10% sales tax on consumer fireworks proposed in the bill. The program