

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

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

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 865 An Act Regarding Contract Indemnification

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill prohibits certain indemnification agreements by which a contracting party indemnifies itself from its own negligence or willful misconduct.

Committee Amendment "A" (S-125)

This amendment is the minority report of the committee. It changes the provision in the bill prohibiting certain indemnification agreements by which a contracting party indemnifies itself from liability for damages for death or bodily injury or injury to property or losses arising from its own negligence or willful misconduct to remove a reference to a surety's insurer and also language that includes design defects in the prohibition. It also adds an application section.

LD 867 An Act To Streamline, Amend and Clarify Certain Professional and Occupational Licensing Statutes

PUBLIC 217

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| PATRICK MASON A | OTP-AM | S-115 |

This bill makes changes to the laws governing licensure of certain professions and occupations.

Part A provides that a letter of guidance issued by the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation or a licensing board or commission is appropriate only when a complaint is dismissed and the licensing entity feels that additional education or guidance is necessary. In addition, the proposal clarifies that a member of a professional or occupational licensing board serves until a successor is qualified.

Part B changes the membership of the Manufactured Housing Board by eliminating the board position reserved for the owner or operator of a mobile home park with 15 or fewer lots and adding a position designated for a manufactured housing dealer and deletes a requirement that a nonresident licensee designate the executive director of the board as an agent for service of process.

Part C clarifies that licenses for architects and landscape architects may be issued only to individuals, not to business entities. Part C also repeals the requirement that licensees must submit an impression of their seals to the licensing board.

Part D reduces the number of public members of the State Board of Funeral Service from 3 to 2.

Part E extends the exemption from licensure for graduate-level physical therapy applicants until 60 days after publication of required examination results. Part E also eliminates the requirement that applicants who fail the required examination obtain additional education and receive approval from the Board of Examiners in Physical Therapy to retake the exam after 3 failed attempts.