

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
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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 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

Part F changes the membership of the Plumbers' Examining Board by eliminating one journeyman position and adding an additional master plumber position.

Part G requires that an applicant licensed in another state who applies for a substantially equivalent license in Maine from the Board of Counseling Professionals Licensure need not have actively practiced but need only have held a valid license in the original jurisdiction for 5 years before applying for licensure in Maine.

Part H removes references in the enabling statute of the Board of Real Estate Appraisers to the term "state of domicile" in sections setting forth pathways to licensure for licensees of other jurisdictions and replaces the term with "another jurisdiction" for greater accuracy.

Part I amends the definition of "solid fuel" to include pellets in the law concerning the Maine Fuel Board.

Part J repeals provisions requiring the submission of references regarding the reputation of an applicant for a license as an auctioneer; an occupational therapist; a social worker; a real estate broker, associate broker, sales agent or timeshare agent; a counseling professional; or a real estate appraiser.

Part K repeals provisions requiring the designation of the licensing official as an agent for service of process for a nonresident licensed as an auctioneer; an accountant; a real estate broker or brokerage, associate broker, sales agent or timeshare agent; a counseling professional; a real estate appraiser; or a transient seller.

LD 890 An Act To Buy American-made Products

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-303
GILBERT	OTP-AM	H-557 HERBIG S-344 HILL

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide a preference in state purchasing for American-made products.

Committee Amendment "A" (S-303)

This amendment, which is the majority report of the committee, establishes the Maine Buy America Act and requires that all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work made by a state agency, board, commission or institution contain a provision that the manufactured goods, including iron and steel, used or supplied in the performance of the contract or any subcontract under the contract must be manufactured in the United States. This requirement does not apply to municipalities or school administrative units. This amendment requires that, in the case of a manufactured good other than an iron or steel product, all of the manufacturing processes take place in the United States and the origin of the manufactured good's components or subcomponents meet a minimum level of domestic content as established by rule.

Under the amendment, a public agency may apply to the Governor or the Governor's designee for a waiver of the requirement if the executive head of the public agency finds that the application of the requirement would be inconsistent with the public interest, that the necessary manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in the United States will increase the cost of the overall project contract by an unreasonable amount. The Department of Administrative and Financial Services must develop rules regarding the Act, including rules to guide the waiver process and the process for public review and comment regarding requests for a waiver.

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

The amendment requires that if the Department of Administrative and Financial Services has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a manufactured good or has intentionally violated any provision of the legislation, the department must, after a hearing, debar that person, business or other entity from contracts or subcontracts with the State for 2 years.

The amendment provides that the provisions of this legislation will be applied only if they are consistent with the State's obligations under any applicable international agreements pertaining to government procurement. The amendment also adds an appropriations and allocations section.

Committee Amendment "B" (S-304)

This amendment, which is the minority report of the committee, mirrors the majority report establishing the Maine Buy America Act except that it eliminates any requirements regarding the domestic content of a manufactured good's components or subcomponents. This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-557)

This amendment exempts counties from the definition of public agencies that are governed by the legislation.

Senate Amendment "A" To Committee Amendment "A" (S-344)

This amendment changes the effective date from June 1, 2014 to September 1, 2014. It also replaces the appropriations and allocations section to provide funding for one part-time position within the Department of Administrative and Financial Services to comply with the Maine Buy America Act.

LD 914 An Act To Certify Nuclear Medicine Technologists in Computed Tomography ONTP

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

This bill amends the laws governing nuclear medicine technologists to create a computed tomography certification for nuclear medicine technologists that:

1. Hold a current license to practice as a nuclear medicine technologist; and
2. Have successfully passed the certification examination in computed tomography from the American Registry of Radiologic Technologists, as determined by the Radiologic Technology Board of Examiners.

The bill authorizes a certified nuclear medicine technologist to perform specific duties related to computed tomography that are in accordance with national guidelines and rules approved by the board.

LD 933 An Act To Establish a Separate Regulatory Board for Dental Hygienists CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI	OTP-AM	

This bill establishes the State Board of Dental Hygienists.

Committee Amendment "A" (H-452)