

# 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

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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**

specifies that rules regarding the ability of the Bureau of Consumer Credit Protection to receive and respond to complaints may be adopted; these rules are designated as routine technical rules. Current rule-making authority regarding workers' compensation insurance issued to employee leasing companies is retained by the Superintendent of Insurance.

**LD 1033      An Act To Help the Unemployed Find Work** **ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY CUSHING	ONTP OTP	

This bill creates a requirement that in order for an individual to maintain eligibility for unemployment benefits after receiving 13 times the individual's weekly benefit amount in a benefit year, the individual must register for temporary employment through a temporary employment agency. This bill also provides that a new claim for unemployment benefits for a claimant who has stopped filing for benefits and then begins again within the same benefit year is effective for both the week in which the claimant files and the prior week.

**LD 1035      An Act To Report Certain Information in Response to Growing Financial Inequality** **ONTP**

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

This bill requires every employer who employs more than 25 employees to report to the Department of Labor the ratio of the financial compensation of the highest paid employee to the lowest paid employee employed by that employer.

**LD 1041      An Act To Modify the Mandatory Enforcement of the Maine Uniform Building and Energy Code for a Municipality without a Building Code** **ONTP**

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

This bill allows a municipality of more than 4,000 residents that has not adopted a building code by August 1, 2008 and that, by a vote of the residents of that municipality, has expressly rejected the application or enforcement of the Maine Uniform Building and Energy Code to be exempt from the Maine Uniform Building and Energy Code. If that municipality does adopt a building code, however, it must be the Maine Uniform Building and Energy Code.

**LD 1069      An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates** **VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT PATRICK	OTP-AM ONTP	H-131 H-252 DECHANT

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

This bill allows flexibility in the minimum hourly wage and benefit rates for workers employed in the construction of public works by the State or persons contracting with the State by allowing any allocation between hourly wage and benefit rates, as long as the sum of the hourly wage and benefit rates equals the sum of the appropriate hourly wage and benefit rates determined by the Department of Labor, Bureau of Labor Standards.

**Committee Amendment "A" (H-131)**

This amendment, which is the majority report of the committee, adds an effective date to the bill of June 1, 2014.

**House Amendment "A" To Committee Amendment "A" (H-252)**

This amendment replaces the language in the bill. It allows flexibility in the minimum wage and benefit rates, but only if the fair minimum wage for a trade is at or above the mean value of all wages in the same wage and benefit determination, and only if a transfer from the fair minimum wage to the fair minimum benefit rate does not exceed 15% of the fair minimum wage amount for that trade in the minimum wage and benefit determination.

<b>LD 1070</b>	<b>Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades</b>	<b>ACCEPTED MAJORITY (ONTP) REPORT</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT PATRICK	ONTP OTP	

This resolve requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes of the proposal to license certain mechanical trades.

<b>LD 1071</b>	<b>An Act Regarding Qualifications for Real Estate Licensees</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK CUSHING	ONTP	

This bill changes the composition of the Maine Real Estate Commission by removing one public member and adding one member representing the real estate education field. The bill eliminates the real estate agent license and instead requires an applicant qualifying for a real estate broker license or an associate real estate broker license to successfully pass a written examination. The bill increases the number of years a real estate broker applicant must have been licensed as an associate broker affiliated with a real estate brokerage agency within the 5 years immediately preceding the date of application, from 2 years to 4 years. The bill also removes the authority of the Real Estate Commission to adopt rules determining whether educational programs meet license qualifications required by the real estate brokerage licensing laws.

<b>LD 1072</b>	<b>An Act To Provide Accountability in the Handling of Affordable Housing Tenants' Security Deposits</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN	ONTP	