

# 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***

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.

**LD 1070      Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<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.

**LD 1071      An Act Regarding Qualifications for Real Estate Licensees**

**ONTP**

<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.

**LD 1072      An Act To Provide Accountability in the Handling of Affordable Housing Tenants' Security Deposits**

**ONTP**

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

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

This bill requires the Maine State Housing Authority to establish a process for the authority and municipal housing authorities to use to verify the condition of dwelling units rented to low-income tenants in order to provide documentation for the proper retention or return of security deposits.

**LD 1087      An Act Concerning Workers' Compensation and Short-term Disability Insurance in Maine      ONTP**

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

This bill provides that an injured worker is eligible for workers' compensation benefits for a work-related injury regardless of whether the injury is of a cumulative or gradual nature. The bill also prohibits an insurer that issues group short-term disability insurance on or after January 1, 2014 from refusing to provide coverage on the basis of a preexisting condition or from imposing any exclusion of coverage based on a preexisting condition.

**LD 1103      An Act To Encourage Development in the Logging Industry      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T STANLEY	OTP-AM ONTP	S-249 S-348 HILL

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to encourage development in the logging industry by enacting a variety of measures, which may include:

1. Changes to the Maine Tree Growth Tax Law; and
2. Changes to certain labor laws, including requiring a landowner to notify the Department of Agriculture, Conservation and Forestry, Division of Forestry if forest land is harvested using bonded labor under the federal H2 bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq.

This proposal might provide that, if a landowner or a harvester employed by or under contract to the landowner uses bonded labor under the federal H2 bonded labor program or the landowner fails to provide the required notification, the land would be suspended from the Maine Tree Growth Tax Law for the year in which bonded labor is used and a penalty would be assessed under the commercial forestry excise tax to compensate the State for the General Fund contribution to the cost of forest fire protection activities.

**Committee Amendment "A" (S-249)**

This amendment, which is the majority report of the committee, requires a landowner to notify the Department of Agriculture, Conservation and Forestry, Division of Forestry if forest land is harvested using bonded labor under the federal H2 bonded labor program. If a landowner or a harvester employed by or under contract to the landowner uses bonded labor under the federal H2 bonded labor program or the landowner fails to provide the required notification, the land must be suspended from the Maine Tree Growth Tax Law for the year in which bonded labor is used and a penalty must be assessed under the commercial forestry excise tax to compensate the State for the General Fund contribution to the cost of forest fire protection activities.

**Senate Amendment "A" To Committee Amendment "A" (S-348)**

This amendment adds a mandate preamble.