

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

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.

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with the Department of Professional and Financial Regulation to, upon presentation of satisfactory evidence by an applicant for professional or occupational licensure, accept education, training or service completed by the applicant as a member of the Armed Forces of the United States or Reserves of the United States, the national guard of any state, the military reserves of any state or the naval militia of any state toward the qualifications to receive the license. In addition, the law permits a returning military veteran whose military training qualifies the veteran for a license in a profession or occupation that requires a license in this State to acquire a temporary license until a license is issued and permits the board, commission, office or agency to allow for a full or partial exemption from continuing education requirements for a returning military veteran or the spouse of a returning military veteran or of an active duty service member. The law further provides that nonresident student veterans receiving certain federal assistance with education costs must be considered eligible for in-state tuition for purposes of the state waiver.

LD 1149 An Act To Establish a Rebuttable Presumption Regarding a Corrections Employee That Contracts Hypertension or Cardiovascular Disease ONTP

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

This bill establishes a rebuttable presumption that if a corrections employee contracts hypertension or cardiovascular disease, the disease arises out of and in the course of employment for workers' compensation purposes.

The bill also establishes a similar rebuttable presumption for the purposes of determining eligibility for disability retirement benefits in the Maine Public Employees Retirement System.

LD 1150 An Act To Continue Certain Position Distributions in the Department of Labor and to Amend the Competitive Skills Scholarship Program PUBLIC 422 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT	OTP-AM ONTP	H-418 S-351 HILL

This bill amends the laws requiring the payment of prevailing wages in public works contracts to remove the exemption under those laws for contracts in amounts less than \$50,000.

Committee Amendment "A" (H-418)

This amendment, which is the majority report of the committee, extends the bill's requirement for the payment of the prevailing hourly rate of wages and benefits for all public works contracts to include public works funded by a municipality or school district when the State has transferred any amount of funding to the municipality or school district for those purposes. The amendment also changes the bill by retaining the exemption in current law for contracts under \$50,000. The amendment also adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-351)

This amendment adds an emergency clause and replaces the title and all of the provisions of Committee Amendment "A," with provisions that amend the Competitive Skills Scholarship Program by:

1. Limiting the amount of revenue deposited in the Competitive Skills Scholarship Fund that may be used for administrative costs and career counseling; and
2. Requiring the Department of Labor to enroll participants in the so-called supplemental nutrition assistance program in the Competitive Skills Scholarship Program as long as those participants meet the eligibility

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requirements of the program and are referred to the program pursuant to a memorandum of agreement between the State and the Department of Health and Human Services. The Department of Labor is prohibited from using federal funds to supplant state funds to provide services under the program.

Enacted Law Summary

Public Law 2013, chapter 422 amends the Competitive Skills Scholarship Program by:

1. Limiting the amount of revenue deposited in the Competitive Skills Scholarship Fund that may be used for administrative costs and career counseling; and
2. Requiring the Department of Labor to enroll participants in the so-called supplemental nutrition assistance program in the Competitive Skills Scholarship Program as long as those participants meet the eligibility requirements of the program and are referred to the program pursuant to a memorandum of agreement between the State and the Department of Health and Human Services. The Department of Labor is prohibited from using federal funds to supplant state funds to provide services under the program.

Public Law 2013, chapter 422 was enacted as an emergency measure effective July 16, 2013.

LD 1151 An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission

**PUBLIC 427
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER SHERMAN	OTP-AM	H-105 H-110 HERBIG S-367 HILL

This bill modifies the law governing the Citizen Trade Policy Commission to provide that:

1. To the extent funding permits, the Legislature, through the commission, must contract for year-round staff support for the commission. To the extent the commission lacks adequate staff support, the commission may request staff support from the Legislative Council, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session; and
2. All funds appropriated, allocated or otherwise provided to the commission must be separately accounted for and used solely for the purposes of the commission and are nonlapsing. At the beginning of each fiscal year, and at any other time at the request of the cochairs of the commission, the Executive Director of the Legislative Council must provide to the commission an accounting of all funds available to the commission, including funds for staff support.

The bill is designated an emergency to ensure that the limited funding available to the commission does not lapse at the end of the current fiscal year.

Committee Amendment "A" (H-105)

This amendment adds an appropriations and allocations section and transfers funds into the newly created, separate Citizen Trade Policy Commission program.

House Amendment "A" (H-110)

This amendment requires any unexpended funds of the Citizen Trade Policy Commission remaining at the end of fiscal year 2012-13 to be transferred into the separate account created in the bill.

Senate Amendment "A" To Committee Amendment "A" (S-367)