

# 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

**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

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 amendment provides an additional \$1,500 annually in funding to the Citizen Trade Policy Commission.

### **Enacted Law Summary**

Public Law 2013, chapter 427 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;
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;
3. Any unexpended funds of the Citizen Trade Policy Commission remaining at the end of fiscal year 2012-13 must be transferred into the separate account created in the bill; and
4. An additional \$1,500 in annual funding is provided to the Citizen Trade Policy Commission.

Public Law 2013, chapter 427 was enacted as an emergency measure effective July 7, 2013.

**LD 1154**

### **An Act To Establish the Maine Length of Service Award Program**

**CARRIED OVER**

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

This bill establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. "Qualified services" is defined under the United States Internal Revenue Code, Section 457(e)(11) to mean "fire fighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution deposited no later than the following July 1st for each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Length of Service Award Program Board of Trustees. Upon the attainment of 60 years of age or after having earned 20 years of service credit before 60 years of age, a volunteer who had attained a vested status in the program by having earned 5 years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those contributions. The vested portion of the program account award of a participating volunteer must be paid before 60 years of age after the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also payable before 60 years of age upon death or total and permanent disablement.

This bill authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor, and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well.

This bill raises the sales tax on consumer fireworks from 5% to 10% and dedicates the revenue from the increase to the program.

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

Under this bill, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration and investment services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

**Committee Amendment "A" (H-501)**

This amendment eliminates the 10% sales tax on consumer fireworks proposed in the bill. Instead, the program established in the bill will receive dedicated funding from the State equivalent to 50% of the revenue received from the 5% general sales tax currently imposed on the sale of consumer fireworks, but the amendment limits this funding to 2 years.

This amendment also adds an appropriations and allocations section to the bill. This amendment was not adopted.

This bill was recommitted to the Labor, Commerce, Research and Economic Development Committee and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1156      An Act To Update a Reference Contained in the Maine Uniform Building and Energy Code      ONTP**

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

Current law requires the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board to adopt, maintain and amend the Maine Uniform Building and Energy Code, using building codes published by the International Code Council or Building Officials and Code Administrators International, Inc., or the Maine Model Building Code or the International Existing Building Code. This bill requires the board to use the most up-to-date version of the International Energy Conservation Code in adopting standards for residential basement wall insulation.

**LD 1157      An Act To Establish the Fair Chance for Employment Act      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL JACKSON T	OTP-AM ONTP	

This bill establishes the Fair Chance for Employment Act and does the following.

1. It prohibits employers from refusing to consider for employment or offer employment to an individual based on the individual's status as employed or unemployed. Employers are also prohibited from advertising that current employment status is a qualification or requirement for a job or that the employer will not consider an applicant based on current employment status. Employers are prohibited from directing an employment agency to take current employment status into consideration when screening or referring applicants.
2. It prohibits employment agencies from failing to consider or refer applicants based on employment status,