

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

May 2014

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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 was carried over from the First Regular Session of the 126th Legislature.

It requires motor vehicle manufacturers to make available to owners of the manufacturer's motor vehicles and independent motor vehicle repair facilities, diagnostic and repair information and equipment at no more than fair market value and in a way that does not unfairly favor the manufacturer's dealers and authorized repair facilities.

LD 1154

An Act To Establish the Maine Length of Service Award Program

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER DUTREMBLE	OTP-AM ONTP	H-644 S-545 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

It 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 "firefighting 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.

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 "B" (H-644)

This amendment, which is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, eliminates the 10% sales tax on consumer fireworks proposed in the bill. The program

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

established in the bill will receive dedicated funding from the State equivalent to 50% of the revenue received from the general sales tax currently imposed on the sale of consumer fireworks as set out in the bill, but the amendment limits this funding to two years.

This amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "B" (S-545)

This amendment removes the provision that dedicates a portion of the sales tax imposed on the sale of consumer fireworks. It allows the Maine Length of Service Award Program to accept donations and provides a base Other Special Revenue Funds allocation of \$500 in fiscal year 2014-15.

LD 1230 An Act To Improve Access to Oral Health Care

PUBLIC 575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES BURNS	OTP-AM ONTP	H-589 H-658 SANDERSON

This bill was carried over from the First Regular Session of the 126th Legislature.

It establishes a licensure process and scope of practice for dental hygiene therapists. It requires a dental hygiene therapist to be supervised by a dentist licensed in this State. The bill also requires a written practice agreement between the supervising dentist and the dental hygiene therapist and provides rulemaking authority for the Board of Dental Examiners.

Committee Amendment "C" (H-589)

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. It amends the laws governing MaineCare coverage, health insurance contracts and group and blanket health insurance to provide for dental coverage and reimbursement for services performed by dental hygiene therapists authorized to practice under the provisions of the bill.
2. It limits the time frame for a provisional dental hygiene therapy license to three years.
3. It increases the number of supervised clinical practice hours required in order to obtain a dental hygiene therapy license from 500 to 1,000.
4. It adds language to allow for the provisions regarding dental coverage and reimbursement to be enacted without review by the Department of Professional and Financial Regulation, Bureau of Insurance.
5. It adds an application section to provide that the requirements of the bill relating to insurance reimbursement apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2015 in the State.
6. It makes changes to the sections of the bill relating to scope of practice of dental hygiene therapists by removing minor surgical care, replacing the authority to prescribe medication with authority to provide, dispense and administer certain medications within the parameters of the written practice agreement and adding the authority to perform nonsurgical extractions of diseased permanent teeth if authorized in advance by the supervising dentist.
7. It adds public schools, residential care facilities and nursing facilities to the list of health settings where dental hygiene therapists may provide services within their scope of practice.