

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.

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

LD 1197 An Act To Allow Stores under 10,000 Square Feet To Be Open on Certain Holidays **ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON D YOUNGBLOOD	ONTP OTP	

This bill allows stores having under 10,000 square feet of interior customer selling space to be open on Easter Day, Thanksgiving Day and Christmas Day. The current maximum is 5,000 square feet.

LD 1198 An Act To Protect Earned Pay **VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG PATRICK	OTP-AM ONTP	H-256

Under current law, a person who receives or is scheduled to receive remuneration in the form of vacation pay in excess of 4 weeks' wages is disqualified from receiving unemployment benefits for the week in which that remuneration is due. This bill removes that disqualification and additionally removes the requirement that holiday pay must offset unemployment benefits.

Committee Amendment "A" (H-256)

This amendment, which is the majority report of the committee, incorporates a fiscal note.

LD 1199 An Act Regarding Mobile Home Ownership **ONTP**

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

This bill provides a mobile home owners' association with the right to make a competing offer to purchase a mobile home park upon notice from the owner of the mobile home park that the owner has received an offer to purchase the park and the owner intends to accept that offer. This bill also limits restrictions mobile home park rules may place on the activities of tenants and certain other people within the mobile home park and prohibits mobile home park rental agreements and rules from forbidding the formation of mobile home owners' associations or tenants joining those associations and from limiting certain activities of those associations.

LD 1201 Resolve, Directing the Workers' Compensation Board To Study the Issue of Addressing Psychological and Physical Harm to Employees Due to Abusive Work Environments **VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON JACKSON T	OTP-AM	H-129

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

This bill provides legal relief for employees who have been harmed psychologically, physically or economically by exposure to abusive work environments. Employees and employers who subject an employee to an abusive work environment are liable, and employers are vicariously liable for the abusive workplace conduct of their employees, in a private civil action brought by the affected employee. The legal remedies made available by this bill do not limit any other legal rights of an individual, except that workers' compensation benefits received under the Maine Revised Statutes, Title 39-A for the same injury or illness must be reimbursed from compensation that is earned through the legal remedies made available by this bill.

Committee Amendment "A" (H-129)

This amendment replaces the bill with a resolve directing the Workers' Compensation Board to study the issue of addressing psychological and physical harm to employees due to abusive work environments and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with recommendations and suggested implementing legislation by January 30, 2014. The Joint Standing Committee on Labor, Commerce, Research and Economic Development is authorized to report out a bill related to these recommendations in the Second Regular Session of the 126th Legislature.

LD 1202 An Act To Update the Maine Veterinary Practice Act

ONTP

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

This bill makes the following changes to the Maine Veterinary Practice Act.

1. It amends the legislative findings section to update the language.
2. It changes the designation of "animal health assistant" to "veterinary assistant."
3. It defines "patient" as an animal or group of animals examined or treated by a veterinarian.
4. It amends the definition of "practice of veterinary medicine."
5. It establishes a definition of "practice of veterinary technology."
6. Currently, veterinary technicians are registered under state law; this bill requires that veterinary technicians be licensed.
7. Currently, owners or caretakers of animals who care for or treat their animals are exempted from the requirement that only a licensed veterinarian may provide certain aspects of veterinary care. This bill limits that exemption to owners or caretakers of livestock.
8. Under current law, a person may sell or apply pesticide or insecticide for the betterment and protection of an animal without licensure as a veterinarian; this bill eliminates this licensure exemption.
9. It eliminates the Maine State Board of Veterinary Medicine's authority to issue a temporary permit to a qualified applicant for a veterinary license pending examination, and authorizes a licensed veterinarian or a licensed veterinary technician to practice for no more than 30 days in the State upon the request of the state veterinarian.
10. It requires that, in order to take the licensing examination for veterinary technicians, the applicant must have completed the professional education requirements for licensure or be within the final 6 months of professional