

# 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 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

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

study in an approved program of education.

11. It removes the prohibition against association for the joint practice of veterinary medicine with any person, corporation or partnership not licensed to practice veterinary medicine.

12. It updates language outlining the duties of licensed veterinary technicians and veterinary assistants.

**LD 1203 An Act To Encourage Financing of Manufactured Housing for the Workforce**

**PUBLIC 295**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK KATZ	OTP-AM	H-298

This bill amends the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009 to specify that a person is not required to be licensed as a mortgage loan originator if that person does not engage in the business of a mortgage loan originator in a commercial context habitually or repeatedly or is a government employee acting in that employee's official capacity as a government employee.

**Committee Amendment "A" (H-298)**

This amendment provides that an individual must be licensed as a mortgage loan originator if that individual negotiates mortgage terms more than 3 times within a 12-month period or a fewer number of times if the Superintendent of Consumer Credit Protection finds intent to circumvent or evade licensing requirements.

**Enacted Law Summary**

Public Law 2013, chapter 295 amends the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009 to specify that a person is not required to be licensed as a mortgage loan originator if that person does not engage in the business of a mortgage loan originator in a commercial context habitually or repeatedly or is a government employee acting in that employee's official capacity as a government employee. The law provides that an individual must be licensed as a mortgage loan originator if that individual negotiates mortgage terms more than 3 times within a 12-month period or a fewer number of times if the Superintendent of Consumer Credit Protection finds intent to circumvent or evade licensing requirements.

**LD 1217 An Act To Modify Franchise Territories for Personal Sports Mobile Dealerships**

**ONTP**

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

This bill exempts from the 30-mile radius requirement in current law that applies in most municipalities with respect to adding a new personal sports mobile dealership near an existing dealership the addition of a new personal sports mobile dealership or the relocation of an existing new personal sports mobile dealership when there are no existing dealerships selling all the same products within 15 miles around the new dealership to be added.