

# 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 amendment is the minority report of the committee. It replaces the bill and broadens the scope of practice for dental hygienists with public health supervision status and independent practice dental hygienists who have successfully completed additional training established by the Department of Professional and Financial Regulation, Board of Dental Examiners to include the performance of atraumatic restorative technique. It defines "atraumatic restorative technique" to mean a procedure to identify and remove tooth decay using a simple hand tool alone and restore the cavity with an adhesive restorative material. It also changes the designation of expanded function dental assistants to "expanded function dental auxiliary" and broadens their scope of practice, which currently includes the performance of reversible intraoral procedures, to include the cementation of permanent crowns and onlays, the administering of final impressions and the performance of digital imaging under the direct supervision of a licensed dentist.

This bill was recommitted to the 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 1238**

### **An Act To Improve Professional Training for Licensed Mental Health Clinicians**

**PUBLIC 262**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN FREDETTE	OTP-AM	S-254

This bill makes changes to the laws governing the licensure requirements for psychologists, clinical professional counselors and clinical social workers. It requires that, beginning January 1, 2020, applicants for licensure demonstrate to the satisfaction of their respective licensing boards that they have successfully completed a minimum of 15 contact hours of course work in spousal or partner abuse screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. Applicants may fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work. The bill requires that the boards accept certification from the accredited educational institution from which the applicant is a graduate that verifies the applicant's satisfaction of this requirement within the applicant's completed course curriculum.

The bill also makes changes to the licensure renewal requirements for psychologists, clinical professional counselors and clinical social workers to require that, beginning January 1, 2020, applicants for licensure renewal in these categories demonstrate to the satisfaction of their respective licensing boards successful completion of a minimum of 15 contact hours of course work in spousal or partner abuse screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. The bill allows the boards to accept equivalent courses in spousal or partner abuse screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. The bill requires that continuing education courses taken for this purpose must be applied to the licensee's required hours of continuing education.

#### **Committee Amendment "A" (S-254)**

This amendment changes the description of the course work that must be completed by mental health clinicians from spousal or partner abuse screening and referral strategies to family or intimate partner violence screening and referral and intervention strategies and changes the licensure requirements and license renewal requirements for psychologists, clinical professional counselors and clinical social workers by reducing the number of contact hours of course work that must be completed in family or intimate partner violence that address screening, referral and intervention strategies. It also adds a provision to allow an applicant for initial licensure that is unable to demonstrate completion of the family or intimate partner violence course work at the time the initial application is submitted to demonstrate to the board that this requirement has been fulfilled upon the candidate's first application for license renewal. It also clarifies that the course work requirements that must be demonstrated at the time of license renewal are to be completed only once.

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

## Enacted Law Summary

Public Law 2013, chapter 262 makes changes to the laws governing the licensure requirements for psychologists, clinical professional counselors and clinical social workers. It requires that, beginning January 1, 2020, applicants for licensure demonstrate to the satisfaction of their respective licensing boards that they have successfully completed a minimum number of contact hours of course work in family or intimate partner violence screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. The law allows applicants to fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work. Further, the law includes a provision to allow an applicant for initial licensure that is unable to demonstrate completion of the requisite course work at the time the initial application is submitted to demonstrate to the board that this requirement has been fulfilled upon the candidate's first application for license renewal.

The law also makes changes to the licensure renewal requirements for psychologists, clinical professional counselors and clinical social workers to require that, beginning January 1, 2020, applicants for licensure renewal in these categories demonstrate to the satisfaction of their respective licensing boards a one-time successful completion of a minimum number of contact hours of course work in family or intimate partner violence screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. The law allows the boards to accept equivalent courses in spousal or partner abuse screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. Finally, the law allows continuing education courses taken for this purpose to be applied to the licensee's required hours of continuing education.

**LD 1250 An Act To Revise Maine's Unemployment Compensation Laws**

**PUBLIC 175**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU CUSHING	OTP-AM	H-160

This bill amends the definition of "employment" in the unemployment compensation laws to exclude the services provided by a temporary employee hired solely to fill in for a regular employee while the regular employee is on family medical leave. An employer of a temporary employee in this situation cannot be charged for unemployment benefits for that temporary employee.

### **Committee Amendment "A" (H-160)**

This amendment fulfills the intent of the bill by expanding the current exceptions under which no unemployment benefit charges are made to an individual employer's experience rating record to include a situation in which the employer hired an individual to temporarily cover a position vacant due to a leave of absence for family medical leave provided under Maine or federal law and the claimant's employment was subsequently terminated when the permanent employee returned at the completion of the leave of absence. Any unemployment benefits paid out as a result of this type of job separation would be charged to the General Fund within the Unemployment Trust Fund.

## Enacted Law Summary

Public Law 2013, chapter 175 expands the current exceptions under which no unemployment benefit charges are made to an individual employer's experience rating record to include a situation in which the employer hired an individual to temporarily cover a position vacant due to a leave of absence for family medical leave provided under Maine or federal law and the claimant's employment was subsequently terminated when the permanent employee returned at the completion of the leave of absence. Any unemployment benefits paid out as a result of this type of job separation would be charged to the General Fund within the Unemployment Trust Fund.