

# 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*

**LD 1311 An Act To Amend the Laws Governing Unemployment Compensation To Ensure Conformity with the Federal Trade Adjustment Assistance Extension Act of 2011**

**PUBLIC 314**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK VOLK	OTP-AM	S-183

This bill amends the laws governing unemployment compensation to ensure conformity with the federal Trade Adjustment Assistance Extension Act of 2011, Public Law 112-40, 125 Stat. 401. It provides that an amount equal to 15% of each overpayment on which a penalty was assessed due to unemployment misrepresentation or fraud must be placed directly into the Unemployment Compensation Fund. It also prohibits an employer from being relieved of benefit charges for a benefit overpayment that was due to the fault of the employer or agent of the employer if that employer or agent of the employer has established a pattern of failing to provide timely or adequately requested information pertaining to an unemployment benefit claim. Additionally, this bill corrects reference errors in the laws governing unemployment compensation to accurately identify the Department of Labor as the entity that prescribes how and in what form an individual reports on that individual's work search, and as the entity that determines whether good cause exists for an individual's failure to comply with the work search requirement.

**Committee Amendment "A" (S-183)**

This amendment slightly changes the language of the bill to better meet the requirements of the federal Trade Adjustment Assistance Extension Act of 2011, pursuant to direction from the United States Department of Labor. The amendment provides that 15% of an overpayment, as opposed to 15% of a penalty assessed, due to misrepresentation or fraud by a claimant will be directly deposited into the Unemployment Compensation Fund.

**Enacted Law Summary**

Public Law 2013, chapter 314 amends the laws governing unemployment compensation to ensure conformity with the federal Trade Adjustment Assistance Extension Act of 2011, Public Law 112-40, 125 Stat. 401. It provides that an amount equal to 15% of each overpayment on which a penalty was assessed due to unemployment misrepresentation or fraud must be placed directly into the Unemployment Compensation Fund. It also prohibits an employer from being relieved of benefit charges for a benefit overpayment that was due to the fault of the employer or agent of the employer if that employer or agent of the employer has established a pattern of failing to provide timely or adequately requested information pertaining to an unemployment benefit claim. Additionally, this law corrects reference errors in the laws governing unemployment compensation to accurately identify the Department of Labor as the entity that prescribes how and in what form an individual reports on that individual's work search, and as the entity that determines whether good cause exists for an individual's failure to comply with the work search requirement.

**LD 1313 An Act To Amend Licensing Requirements for Professional Engineers**

**PUBLIC 296**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ BECK	OTP	

This bill makes the following changes to the laws governing the licensing of professional engineers.

1. It adds defined terms for various accreditation and licensing entities.

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

2. It removes references to the form and length of examinations.
3. It removes provisions that provide alternative methods of licensure, including licensure by oral examination.
4. It removes references to examination fees and removes the requirement that examinations be held at such times and places as the State Board of Licensure for Professional Engineers determines. It amends the laws governing the reexamination of a person who fails an examination.
5. It removes the requirement that a notice of the expiration of a license be mailed.
6. It changes the provisions regarding the process for a retired licensee to be reinstated to active status.

**Enacted Law Summary**

Public Law 2013, chapter 296 makes the following changes to the laws governing the licensing of professional engineers.

1. It adds defined terms for various accreditation and licensing entities.
2. It removes references to the form and length of examinations.
3. It removes provisions that provide alternative methods of licensure, including licensure by oral examination.
4. It removes references to examination fees and removes the requirement that examinations be held at such times and places as the State Board of Licensure for Professional Engineers determines. It amends the laws governing the reexamination of a person who fails an examination.
5. It removes the requirement that a notice of the expiration of a license be mailed.
6. It changes the provisions regarding the process for a retired licensee to be reinstated to active status.

**LD 1315    Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Stakeholder Group To Review Changes in Federal and State Regulations and Rules Governing Compounding Pharmacies**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT CRAVEN	OTP-AM	H-299

This bill strengthens Maine's laws on compounding pharmacies. The bill contains the following provisions.

1. The bill provides a definition for "compounding pharmacy" and describes sterile compounding pharmacies and nonsterile compounding pharmacies.
2. Beginning with appointments made on or after January 1, 2014, the bill adds a physician and an advanced practice registered nurse to the Maine Board of Pharmacy, decreases the number of pharmacist members from 5 to 3 and requires that one public member be a person who has education and professional experience in the field of health care safety and quality assurance. The bill requires members of the Maine Board of Pharmacy to file by December 31st an annual statement disclosing any conflicts of interest and requires the Maine Board of Pharmacy to post the statements on the board's publicly accessible website.