

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
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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 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 1351 An Act To Attract Military Families to Maine

ONTP

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

This bill provides that the Commissioner of Professional and Financial Regulation may recommend legislation or other measures to the Governor and the Legislature for the purpose of assisting the spouses of current and former members of the United States Armed Forces in obtaining any professional license.

LD 1352 An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND VOLK	OTP-AM OTP-AM	S-187 S-196 PATRICK

Part A of this bill requires the Department of Education, the Department of Health and Human Services and the Department of Labor, in carrying out their duties to provide services and supports to persons with disabilities, to:

1. Include as a core component, the employment of persons with disabilities in “integrated community-based employment” and “customized employment”:
 - A. “Integrated community-based employment” means employment in the competitive labor market in the general community, or through self-employment, with compensation being at least minimum wage and at least the same level of prevailing wage and benefits paid by the employer for the same or similar work to persons without disabilities; and
 - B. “Customized employment” means employment as part of a flexible blend of strategies, services and supports through voluntary negotiation with the employer;
2. Offer, as the first and preferred option, employment services that will support the employment of persons with disabilities;
3. Coordinate their efforts to ensure that the programs directed, the funding managed and the policies adopted by each agency support the gaining of employment by persons with disabilities; and
4. When permissible under the law, share information regarding the use of services and other data in order to monitor progress toward facilitating the employment of persons with disabilities.

Part A also specifies that a person with a disability who receives services from the Department of Education, the Department of Health and Human Services or the Department of Labor may not be required to accept employment services from that agency or to experience a loss of services as a result of choosing not to explore employment options.

Part B of this bill establishes, until October 1, 2016, the Employment First Maine Coalition within the Disability Rights Center, which is the protection and advocacy agency for persons with disabilities designated by the Governor pursuant to the Maine Revised Statutes, Title 5, section 19502. Among its duties, the Employment First Maine Coalition is directed to:

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1. Promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities, to advance employment services for persons with disabilities;
2. Review relevant state policies, plans, programs and activities in order to determine whether they effectively meet the employment needs of persons with disabilities;
3. Serve as a conduit for information and input to aid advocacy groups, commissions and councils that focus on issues facing persons with disabilities in Maine;
4. Make recommendations to the Governor, the Legislature and agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;
5. Propose and promote rules and policies to agencies that provide services and supports to persons with disabilities to improve employment of persons with disabilities;
6. Review and comment on proposed legislation affecting the employment of persons with disabilities; and
7. Submit proposed legislation to the Legislature to improve employment of persons with disabilities.

The Employment First Maine Coalition (“Coalition”) should strive to ensure that at least 1/2 of the members are persons with disabilities. The membership will include 3 representatives from each of the State agencies involved, 1 representative of the Maine Business Leadership Network, 16 representatives from various advisory, advocacy and support organizations concerned with persons with disabilities, 1 certified rehabilitation provider that provides “integrated community-based employment” or “customized employment” services, and at least 2 persons who are parents of persons with disabilities. The Coalition may also invite other members to join.

The members of the Coalition serve without compensation, and will be led by an annually elected chair and vice-chair. The Coalition will hold regularly scheduled meetings, and all decisions will be made using the consensus-based decision making process.

Committee Amendment "A" (S-187)

This amendment, which is the majority report of the committee, removes the provision of the bill that establishes a consensus-based decision-making process for the Employment First Maine Coalition and replaces it with a number of governance requirements for the coalition, including a quorum requirement, majority voting, notice of meetings and the power to adopt bylaws.

Committee Amendment "B" (S-188)

This amendment, which is the minority report of the committee, mirrors the majority report except that it adds the executive director of the Manufacturers Association of Maine or the executive director's designee to the membership list of the Employment First Maine Coalition.

Senate Amendment "A" To Committee Amendment "A" (S-196)

This amendment adds the executive director of the Manufacturers Association of Maine or the executive director's designee to the membership list of the Employment First Maine Coalition.

Enacted Law Summary

Public Law 2013, chapter 335 requires the Department of Education, the Department of Health and Human Services and the Department of Labor, in carrying out their duties to provide services and supports to persons with disabilities, to:

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1. Include as a core component, the employment of persons with disabilities in "integrated community-based employment" and "customized employment":
 - A. "Integrated community-based employment" means employment in the competitive labor market in the general community, or through self-employment, with compensation being at least minimum wage and at least the same level of prevailing wage and benefits paid by the employer for the same or similar work to persons without disabilities; and
 - B. "Customized employment" means employment as part of a flexible blend of strategies, services and supports through voluntary negotiation with the employer;
2. Offer, as the first and preferred option, employment services that will support the employment of persons with disabilities;
3. Coordinate their efforts to ensure that the programs directed, the funding managed and the policies adopted by each agency support the gaining of employment by persons with disabilities; and
4. When permissible under the law, share information regarding the use of services and other data in order to monitor progress toward facilitating the employment of persons with disabilities.

Additionally, this law specifies that a person with a disability who receives services from the Department of Education, the Department of Health and Human Services or the Department of Labor may not be required to accept employment services from that agency or to experience a loss of services as a result of choosing not to explore employment options.

Public Law 2013, chapter 335 also establishes, until October 1, 2016, the Employment First Maine Coalition within the Disability Rights Center, which is the protection and advocacy agency for persons with disabilities designated by the Governor pursuant to the Maine Revised Statutes, Title 5, section 19502. Among its duties, the Employment First Maine Coalition is directed to:

1. Promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities, to advance employment services for persons with disabilities;
2. Review relevant state policies, plans, programs and activities in order to determine whether they effectively meet the employment needs of persons with disabilities;
3. Serve as a conduit for information and input to aid advocacy groups, commissions and councils that focus on issues facing persons with disabilities in Maine;
4. Make recommendations to the Governor, the Legislature and agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;
5. Propose and promote rules and policies to agencies that provide services and supports to persons with disabilities to improve employment of persons with disabilities;
6. Review and comment on proposed legislation affecting the employment of persons with disabilities; and
7. Submit proposed legislation to the Legislature to improve employment of persons with disabilities.

The Employment First Maine Coalition ("Coalition") should strive to ensure that at least 1/2 of the members are persons with disabilities. The membership will include 3 representatives from each of the State agencies involved, 1 representative of the Maine Business Leadership Network, 1 representative from the Manufacturers Association

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of Maine, 16 representatives from various advisory, advocacy and support organizations concerned with persons with disabilities, 1 certified rehabilitation provider that provides "integrated community-based employment" or "customized employment" services, and at least 2 persons who are parents of persons with disabilities. The Coalition may also invite other members to join.

The members of the Coalition serve without compensation, and will be led by an annually elected chair and vice-chair. The Coalition will hold regularly scheduled meetings, and is subject to a number of governance requirements, including a quorum requirement, majority voting and providing notice of meetings. Additionally, the Coalition may adopt bylaws to govern itself.

LD 1354 An Act To Create the Aging in Place Program

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL CAREY	OTP-AM ONTP	

This bill establishes the Aging in Place Program in the Department of Economic and Community Development to assist low-income seniors with aging in place, including assisting low-income seniors to remain in their homes. It also establishes the Aging in Place Fund and appropriates money to the fund. The department is required to disburse money from the fund to a statewide network that provides weatherization and home repair services, including but not limited to repairs to meet federal Americans with Disabilities Act standards, to replace substandard fixtures and hardware and to reduce ongoing maintenance and heating costs, to low-income residents.

Committee Amendment "A" (S-143)

This amendment incorporates a fiscal note.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs 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 1360 An Act To Amend the Motor Fuel Distribution and Sales Act

PUBLIC 219

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

This bill makes changes to the Motor Fuel Distribution and Sales Act by allowing a franchisor that has entered into a consignment agreement with a franchisee to set the price at which the motor fuel must be sold without being subject to the motor fuel price-fixing prohibition for motor fuel franchise agreements. The bill also makes a variety of technical changes to the laws governing motor fuel franchise agreements.

Enacted Law Summary

Public Law 2013, chapter 219 makes changes to the Motor Fuel Distribution and Sales Act by allowing a franchisor that has entered into a consignment agreement with a franchisee to set the price at which the motor fuel must be sold without being subject to the motor fuel price-fixing prohibition for motor fuel franchise agreements. The law also makes a variety of technical changes to the laws governing motor fuel franchise agreements.