

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

STAFF:

NATALIE HAYNES, LEGISLATIVE ANALYST
HENRY FOUTS, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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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 1368 An Act To Temporarily Restore Boxing Rules

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| GILLWAY THIBODEAU | ONTP | |

This bill provides that the rules and procedures concerning boxing that were in effect under the former Maine Athletic Commission on June 30, 2008 are in effect and the Combat Sports Authority of Maine is required to enforce those rules and procedures until the rules or procedures are rescinded, revised or amended by the Combat Sports Authority of Maine.

LD 1373 An Act To Update the Polygraph Examiner Licensing Laws

PUBLIC 316

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HASKELL | OTP-AM OTP | S-287 S-290 PATRICK |

This bill repeals and replaces the existing polygraph examiner licensing statutes effective April 1, 2014.

Committee Amendment "A" (S-287)

This amendment makes the following changes to the bill.

1. It provides that the Commissioner of Public Safety is responsible for administering the laws governing polygraph examiners, as in current law, and it changes the status and role of the proposed Polygraph Examiners Board to an advisory board, which the amendment renames the Polygraph Examiners Advisory Board, that is responsible for providing advice to the commissioner on licensing issues related to polygraph examiners and administration of the polygraph examiner licensing laws.
2. It removes provisions in the bill that add polygraph examiners to the list of mandated reporters of suspected abuse or neglect of children or incapacitated or dependent adults.
3. It adds to the list of licensing violations the act of maintaining possession of a suspended or revoked license.
4. It includes the provisions in current law governing prohibitions on the use of polygraph examinations and the limitations on their uses in employment.
5. It removes provisions in the bill that add administrative staff to the board.
6. It removes provisions in the bill that allow the board to take licensing and disciplinary action against licensees.
7. It adds language governing the commissioner's authority to deny a license, refuse to renew a license, suspend or revoke a license or impose disciplinary or probationary conditions, fines or costs of hearing and investigation on a polygraph examiner or intern, as well as issue a written warning.
8. It adds language to provide that the Maine Administrative Procedure Act applies to all administrative actions taken under these provisions, as well as to authorize the commissioner to adopt rules to administer these provisions, which are routine technical rules.

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

Senate Amendment "A" To Committee Amendment "A" (S-290)

This amendment amends Committee Amendment "A" to require a polygraph examiner to report to the Department of Health and Human Services when the examiner knows or has reasonable cause to believe that a person 14 years of age or younger will be the victim of a sexual assault crime as provided in the Maine Revised Statutes, Title 17-A, chapter 11 or is in imminent danger of substantial bodily injury or death and makes failure to report under these circumstances a Class E crime. The requirement to report to the Department of Health and Human Services does not abrogate any other duty to report the examiner has by virtue of the examiner's profession.

Enacted Law Summary

Public Law 2013, chapter 316 repeals and replaces the polygraph examiner licensing statutes effective April 1, 2014. It provides that the Commissioner of Public Safety is responsible for administering the laws governing polygraph examiners and establishes the Polygraph Examiners Advisory Board to provide advice to the commissioner on licensing issues related to polygraph examiners and the administration of the polygraph examiner licensing laws. The law requires a polygraph examiner to report to the Department of Health and Human Services when the examiner knows or has reasonable cause to believe that a person 14 years of age or younger will be the victim of a sexual assault crime as provided in the Maine Revised Statutes, Title 17-A, chapter 11 or is in imminent danger of substantial bodily injury or death and makes failure to report under these circumstances a Class E crime. The requirement to report to the Department of Health and Human Services does not abrogate any other duty to report the examiner has by virtue of the examiner's profession. In addition, the law prohibits a polygraph examiner from asking certain questions pertaining to sexual behavior or political or religious beliefs, as well limits the use of polygraph examinations in employment.

LD 1376 An Act To Ensure the Choice of a Pharmacy for Injured Employees under the Maine Workers' Compensation Act of 1992

PUBLIC 164

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| PATRICK CAMPBELL J | OTP-AM | S-93 |

This bill gives an injured employee the right under the Maine Workers' Compensation Act of 1992 to choose the provider, pharmacy or pharmacist to dispense any drugs or medication prescribed to treat the injury or disease for which compensation is claimed and sets formulas for reimbursement under the Maine Workers' Compensation Act of 1992 for generic and brand-name drugs or medications.

Committee Amendment "A" (S-93)

This amendment removes the portion of the bill providing for a formula for reimbursement of a provider, pharmacy or pharmacist for drugs or medications prescribed to treat an injury or disease for which compensation is claimed under the Maine Workers' Compensation Act of 1992.

Enacted Law Summary

Public Law 2013, chapter 164 gives an injured employee the right under the Maine Workers' Compensation Act of 1992 to choose the provider, pharmacy or pharmacist to dispense any drugs or medication prescribed to treat the injury or disease for which compensation is claimed.