

# 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 1380      Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies      ONTP**

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

This resolve requires the Department of Professional and Financial Regulation, Bureau of Insurance to establish a workers' compensation business classification for pharmacies so that the workers' compensation insurance rate for employees of a pharmacy located within a larger retail store is identical to the workers' compensation insurance rate for employees of a stand-alone pharmacy.

**LD 1381      An Act To Promote Rural Job Creation and Workforce Development      ONTP**

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

This bill gives a preference in state contracting to bidders who primarily employ residents of the State and to bidders who coordinate with regional workforce development programs and who fill at least 20% of positions on the project with low-income or long-term unemployed people. The bill requires that successful bidders on public building or public works contracts with the State, counties, cities and towns and every charitable or educational institution that is supported in whole or in part by aid granted by the State or by a municipality commit to coordinate with regional workforce development programs and make best efforts to hire low-income and long-term unemployed people. The bill also requires state public works programs to give hiring preference to residents of the county where the work is being performed.

**LD 1390      An Act Regarding the Cancellation of Subscription Services      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY	OTP-AM	H-498

This bill requires a person that provides certain goods or services pursuant to a subscription to provide to a subscriber, at the time the subscription starts, information regarding how the subscriber may cancel the subscription; a secure, prominently displayed and easy-to-use method on the person's website that allows the subscriber to cancel the subscription immediately without having to send a letter by the United States Postal Service or other delivery service or to make a telephone call; and the option to cancel the subscription using the same method that was used to start the subscription. A violation of the provisions of the bill is a violation of the Maine Unfair Trade Practices Act.

**Committee Amendment "A" (H-498)**

This amendment makes the following changes to the bill.

1. It removes from the provisions of the bill newspapers, magazines, journals and periodicals and online news sources, including online versions of newspapers, and cable and Internet services, but retains online magazines, journals and periodicals, online media players, social networking services and Internet game services.

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

- 2. It restricts the application of the bill to only those subscriptions that are automatically renewed at the end of a definite term for a subsequent term, unless the consumer cancels the agreement.
- 3. It removes provisions in the bill detailing the methods by which a subscriber must be allowed to cancel a subscription and instead requires a business that makes an automatic renewal subscription offer to a consumer in this State to present the consumer with an easily accessible disclosure of the methods the consumer may use to cancel the subscription, which must include online cancellation.
- 4. It adds an application section to provide that the Act only applies to agreements entered into or renewed after January 1, 2014. It provides that the provisions do not apply to an entity that provides the host platform on the website of an Internet game service.

**LD 1420      An Act To Return to Building Code Requirements in Effect Prior to the      ONTP**  
**Adoption of the Maine Uniform Building and Energy Code**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R THOMAS	ONTP	

This bill repeals the laws establishing the Maine Uniform Building and Energy Code and makes adjustments to certain other laws to make them consistent with law that existed prior to the enactment of Public Law 2007, chapter 699, which created the uniform code. This bill reestablishes the Maine Model Building Code, which was repealed by Public Law 2007, chapter 699 and replaced by the Maine Uniform Building and Energy Code. The bill has a delayed effective date of December 1, 2013.

**LD 1436      An Act To Avoid Conflicts of Interest in State Government Labor      ACCEPTED**  
**Relations      MAJORITY**  
**(ONTP) REPORT**

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

This bill prohibits a bargaining agent from representing a bargaining unit composed entirely of supervisors employed by the State and a bargaining unit that contains state employees supervised by members of the supervisor bargaining unit.

**Committee Amendment "A" (H-287)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to the bill.

**LD 1437      An Act To Amend the Laws Regarding Licensure of Physicians and      PUBLIC 355**  
**Physician Assistants**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK PATRICK	OTP-AM	H-424

This bill amends the Maine Health Security Act and the laws governing the Board of Licensure in Medicine as