

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**

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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

- 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

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

follows.

1. It provides that physician assistants have the same duty as physicians to report acts of a physician amounting to gross or repeated medical malpractice, habitual drunkenness, addiction to the use of drugs, professional incompetence, unprofessional conduct or sexual misconduct. It also provides that physician assistants may be the subject of such reports.
2. It clarifies that a health care provider or health care entity is required to report disciplinary action taken against an employee, even if that person is employed by a 3rd party.
3. It provides that recovery is not allowed against a physician assistant on the grounds that treatment was rendered without the informed consent of the patient as long as certain conditions are met. This protection is already provided in current law for similar health care providers.
4. It allows the board to specify individuals other than physicians for the purpose of conducting examinations of physicians and physician assistants to determine whether a physician or physician assistant is mentally and physically competent.
5. It allows the board, by rulemaking, to issue special licenses in addition to a special license for the practice of administrative medicine.
6. It repeals a requirement that the board, upon a finding that a suspension or revocation of a license is in order, file a complaint in the District Court.
7. It specifies that misrepresentation in obtaining a license or in connection with service rendered is grounds for discipline and adds 5 other grounds for discipline, including engaging in an activity that requires licensing without a license and continuing to act in a capacity requiring a license under the governing law of the board after expiration, suspension or revocation of that license.

Committee Amendment "A" (H-424)

This amendment strikes the provision in the bill that proposes to keep the identity of any reporting physician or physician assistant confidential unless it is necessary to the investigation or adjudication of the report by the Board of Licensure in Medicine. It allows for dual trained dentists and oral surgeons to satisfy the Board of Licensure in Medicine's requirements for postgraduate training in a manner that applies to the specific training received by these licensees. It also adds language to ensure the statutory provisions governing Board of Licensure in Medicine sanctions are in compliance with federal and state laws regarding confidentiality of patient information that is the subject of a disciplinary complaint.

Enacted Law Summary

Public Law 2013, chapter 355 amends the Maine Health Security Act and the laws governing the Board of Licensure in Medicine as follows.

1. It provides that physician assistants have the same duty as physicians to report acts of a physician amounting to gross or repeated medical malpractice, misuse of alcohol, drugs or other substances, professional incompetence, unprofessional conduct or sexual misconduct. It also provides that physician assistants may be the subject of such reports.
2. It clarifies that a health care provider or health care entity is required to report disciplinary action taken against an employee, even if that person is employed by a 3rd party.
3. It provides that recovery is not allowed against a physician assistant on the grounds that treatment was rendered without the informed consent of the patient as long as certain conditions are met. This protection is already

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

provided in current law for similar health care providers.

4. It allows the board to specify individuals other than physicians for the purpose of conducting examinations of physicians and physician assistants to determine whether a physician or physician assistant is mentally and physically competent.
5. It allows for dual trained dentists and oral surgeons to satisfy the Board of Licensure in Medicine's requirements for postgraduate training in a manner that applies to the specific training received by these licensees.
6. It repeals a requirement that the board, upon a finding that a suspension or revocation of a license is in order, file a complaint in the District Court.
7. It specifies that misrepresentation in obtaining a license or in connection with service rendered is grounds for discipline and adds 5 other grounds for discipline, including engaging in an activity that requires licensing without a license and continuing to act in a capacity requiring a license under the governing law of the board after expiration, suspension or revocation of that license.
8. It includes language to ensure the statutory provisions governing Board of Licensure in Medicine sanctions are in compliance with federal and state laws regarding confidentiality of patient information that is the subject of a disciplinary complaint.

LD 1451 An Act To Require the Membership of the State Workforce Investment Board To Include Representatives of the Local Workforce Investment Boards VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM ONTP	S-162

This bill requires that the membership of the State Workforce Investment Board include a representative from each of the local workforce investment boards in this State.

Committee Amendment "A" (S-162)

This amendment, which is the majority report of the committee, replaces the bill with a provision that allows a county commissioner appointed to the State Workforce Investment Board to send a designee to act as a member of the board in the county commissioner's place. The amendment also requires that the membership of the State Workforce Investment Board's Program Policy Committee include directors of the local workforce investment boards.

LD 1458 An Act To Enact the Maine Small Business Investment Protection Act CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG PATRICK		

This bill enacts the Maine Small Business Investment Protection Act to protect franchisees in the sale and operation of franchise businesses.

This bill was 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).