

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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 changes the provisions governing the requirement that a motor vehicle manufacturer provide a fair and adequate supply and mix of vehicles to a dealer to provide that a failure by a manufacturer to do so that results in an effort to terminate a new motor vehicle dealer for, in whole or in part, poor sales performance or market penetration may be evidence that the termination was not for good cause.
3. It changes the provisions governing recovery of actual costs by the manufacturer from the dealer for special or essential tools to provide that the manufacturer may recover costs only if the tool is directly available only from the manufacturer or its wholly owned subsidiary.
4. It clarifies the provisions governing prohibited conduct by a manufacturer relating to alterations or renovations to a dealership's premises or facilities and provides that the provisions do not supersede certain other laws, including state health and safety laws or local zoning laws.
5. It expands the definition of "dealer management computer system vendor."
6. In the section relating to standards protecting dealership data from unauthorized use, it strikes the provision regarding fees and adds language to include 3rd parties in the provision prohibiting access to dealer and customer data.
7. It changes the provisions regarding exceptions to the limitations on the access or use of customer or prospect information maintained in a dealer management computer system to provide that the limitations do not apply to a customer that moves more than 60 miles away from the dealer whose data were accessed.
8. It removes the provision relating to the retroactive application of contracts in the section governing security breaches.
9. It replaces the language governing a franchisor's responsibility to pay elements of a warranty claim to provide that the franchisor is prohibited from denying those elements of a warranty claim that are based on a dealer's incidental failure to comply with a claim requirement, as long as the dealer corrects any related clerical error or other technicality according to licensee guidelines.
10. It adds a provision to amend current law to reduce from 18 to 12 the number of months a manufacturer may audit a new motor vehicle dealer to determine the validity of customer or dealer incentive payments.

LD 1565

Resolve, Directing the Department of Economic and Community Development To Report on the Use of Funds Appropriated To Support the Code Enforcement Officer Training and Certification Program

**Died On
Adjournment**

Sponsor(s)

CAREY

Committee Report

OTP-AM

Amendments Adopted

H-641

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill reassigns the responsibilities for code enforcement officer training and certification from the Department of Economic and Community Development, Office of Community Development to the Department of Environmental Protection, Bureau of Land Quality Control. Current law partially funds the position from the Maine Code Enforcement Training and Certification Fund, which receives fees and surcharges imposed for the examination of plans for construction, reconstruction or repairs, plumbing inspections and training and certification of municipal building officials and code enforcement officers. Current law also provides that if insufficient funds are available to support the training and certification program, the program is discontinued. This bill removes that provision.

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

Committee Amendment "A" (H-641)

This amendment replaces the bill with a resolve and directs the Department of Economic and Community Development, Office of Community Development to provide a report by February 15, 2015 to the joint standing committee of the Legislature having jurisdiction over economic development matters on the use of funds appropriated to support the long-term stability of the code enforcement officer training and certification program, as well as the number of code enforcement officers trained and certified by the department. It authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to report out a bill to the First Regular Session of the 127th Legislature.

LD 1622 An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response

**PUBLIC 477
EMERGENCY**

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

Current law prohibits an employer from discharging or otherwise disciplining for absence an employee who is a volunteer firefighter and who responds to an emergency in that capacity. The law does not pertain to a person who belongs to a municipal fire department. This bill changes the law to also protect members of municipal fire departments.

Enacted Law Summary

Public Law 2013, chapter 477 prohibits an employer from discharging or otherwise disciplining for absence an employee who is a member of municipal fire department and who responds to an emergency in that capacity. Current law provides this protection only to volunteer firefighters.

Public Law 2013, chapter 477 was enacted as an emergency measure effective March 16, 2014.

LD 1624 An Act Concerning Pricing Disclosure Requirements and Oversight of Pharmacy Benefits Managers

**Accepted Majority
(ONTP) Report**

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

This bill sets limits on the use of maximum allowable cost pricing by pharmacy benefits managers and requires pharmacy benefits managers to make disclosures regarding that pricing. It also transfers oversight and enforcement of the laws governing the registration of pharmacy benefits managers from the Superintendent of Insurance to the Department of Professional and Financial Regulation, Maine Board of Pharmacy.

LD 1633 An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits

**Accepted Majority
(ONTP) Report**

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