

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<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**

August 2015

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# STATE OF MAINE

127<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 127<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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 117      An Act To Require the Prevailing Wage To Be Paid on All Public Works Projects for Which State Funding Is Used      Died Between Houses**

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

This bill amends the laws requiring the preference for Maine residents and the payment of prevailing wages in public works contracts to remove the exemption under those laws for contracts in amounts less than \$50,000.

**Committee Amendment "A" (S-140)**

This amendment, which is the majority report of the committee, extends the bill's requirement for the payment of the prevailing hourly rate of wages and benefits for all public works contracts to include public works funded by a municipality or school district when the State has transferred any amount of funding to the municipality or school district for those purposes. The amendment also changes the bill by retaining the exemption in current law for contracts under \$50,000. The amendment adds an appropriations and allocations section.

**LD 121      Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Certain Mechanical Trades      Died Between Houses**

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

This resolve requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes of the proposal to license certain mechanical trades.

**LD 125      An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer      PUBLIC 373**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND MAREAN	OTP-AM	S-76

This bill amends the law allowing for workers' compensation benefits for firefighters who contract cancer by including in the definition of firefighters investigators and sergeants employed by the Office of the State Fire Marshal.

**Committee Amendment "A" (S-76)**

This amendment changes the bill by adding a requirement that, in order to qualify for the rebuttable presumption that cancer was contracted in the course of employment, an investigator or sergeant in the Office of the State Fire Marshal must represent that the investigator or sergeant used protective equipment in compliance with Office of the State Fire Marshal policies in effect during the course of the investigator's or sergeant's employment.

**Enacted Law Summary**

Public Law 2015, chapter 373 amends the rebuttable presumption in the workers' compensation laws that

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

firefighters who contract cancer did so in the course of employment by including in the definition of firefighters investigators and sergeants employed by the Office of the State Fire Marshal. In order to qualify for the presumption, in addition to the existing eligibility requirements, the investigator or sergeant in the Office of the State Fire Marshal must represent that the investigator or sergeant used protective equipment in compliance with Office of the State Fire Marshal policies in effect during the course of the investigator's or sergeant's employment.

**LD 141      An Act To Amend the Definition of "Health Care Practitioner" in the      Accepted Majority  
Maine Health Security Act To Include Pharmacists      (ONTP) Report**

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

This bill was originally referred to the Joint Standing Committee on Health and Human Services. It adds pharmacists to the definition of "health care practitioner" under the Maine Health Security Act.

**Committee Amendment "A" (H-401)**

This amendment is the minority report of the committee. It strikes the bill and requires pharmacists that provide counseling services within their scope of their practice to be reimbursed by MaineCare. It also includes a definition of "counseling services" and adds counseling services to the definition of the practice of pharmacy. In addition, it requires the Department of Health and Human Services to adopt routine technical rules to reimburse pharmacists for counseling services.

**LD 163      An Act To Provide Economic Development Assistance to Rural      ONTP  
Communities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. It proposes to provide economic development assistance to rural communities with fewer than 1,500 residents.

**LD 164      An Act To Establish the Maine Length of Service Award Program      PUBLIC 352**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS DUTREMBLE	OTP-AM ONTP	H-151 H-177 EVANGELOS

This bill establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. "Qualified services" is defined under the United States Internal Revenue Code, Section 457(e)(11) to mean "fire fighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution deposited no later than the following July 1st for each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Length of Service Award Program Board of Trustees established in this bill. Upon the attainment of 65 years of age or after having earned 20 years of service credit before 65 years of age, a volunteer who had attained a vested status in the program by having earned five years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those