

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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

127TH 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 127th 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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 127th 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.

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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

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contributions. The vested portion of the program account award of a participating volunteer must be paid before the volunteer reaches 65 years of age if the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also payable before 65 years of age upon death or total and permanent disablement.

This bill authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor, and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well.

This bill raises the sales tax on consumer fireworks to 10% and dedicates the revenue from the increase to the program.

Under this bill, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration, investment, custodial, trustee and auditing services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

Committee Amendment "A" (H-151)

This amendment, which is the majority report of the committee, eliminates the 10% sales tax on consumer fireworks proposed in the bill. The program established in the bill will receive dedicated funding from the State equivalent to 50% of the revenue received from the general sales tax currently imposed on the sale of consumer fireworks as set out in the bill, but the amendment limits this funding to two years.

This amendment adds an appropriations and allocations section to the bill.

House Amendment "A" To Committee Amendment "A" (H-177)

This amendment amends Committee Amendment "A" to eliminate the dedicated funding from the State. This amendment also strikes the appropriations and allocations section added by the committee amendment. This amendment retains the elimination of the 10% sales tax on the value of consumer fireworks by Committee Amendment "A."

The effect of these changes is to remove all funding for the Maine Length of Service Award Program.

Enacted Law Summary

Public Law 2015, chapter 352 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 contributions. The vested portion of the program account award of a participating volunteer must be paid before the volunteer reaches 65 years of age if the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also

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payable before 65 years of age upon death or total and permanent disablement.

It authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor, and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well.

Under this law, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration, investment, custodial, trustee and auditing services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program must comply with the current applicable sections of the Internal Revenue Code.

LD 187 Resolve, To Expand Dental Care in the State by Extending the Pilot Program for Dental Hygienists ONTP

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

Under a pilot project that is scheduled to expire on March 15, 2015, independent practice dental hygienists are allowed to expose and process radiographs in areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas. This resolve continues the authority of these independent practice dental hygienists to expose and process radiographs for two more years, except that the authorization applies to the entire State for those additional two years.

LD 188 An Act To Protect Employees from Abusive Work Environments Died Between Houses

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

This bill provides legal relief for employees who have been harmed psychologically, physically or economically by exposure to abusive work environments. Employees and employers who subject an employee to an abusive work environment are liable, and employers are vicariously liable for the abusive workplace conduct of their employees, in a private civil action brought by the affected employee. The legal remedies made available by this bill do not limit any other legal rights of an individual, except that workers' compensation benefits received under the Maine Revised Statutes, Title 39-A for the same injury or illness must be reimbursed from compensation that is earned through the legal remedies made available by this bill.

Committee Amendment "A" (S-101)

This amendment, which is the majority report of the committee, strikes the bill and replaces it with a resolve directing the Department of Labor to study the issue of addressing psychological and physical harm to employees due to abusive work environments and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with recommendations and suggested implementing legislation by January 1, 2016. The committee is authorized to report out a bill related to these recommendations in the Second Regular Session of