

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

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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 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.

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

project or production. The loans are funded from the Visual and Digital Media Loan Fund, which is maintained by the Finance Authority of Maine. The laws authorizing the Visual and Digital Media Loan Program and the Visual and Digital Media Loan Fund are set to be repealed on December 31, 2015.

This bill delays the repeal of the program and fund until December 31, 2018.

LD 402 Resolve, To Amend Rules Regarding Proof of Ownership of Logging Equipment and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment ONTP

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

This resolve directs the Department of Labor to amend its rule regarding proof of ownership of logging equipment and recruitment by employers employing foreign laborers to operate logging equipment in conformance with the provisionally adopted major substantive rule submitted to the 126th Legislature for review, except that the rule must incorporate the changes that were authorized by the 126th Legislature. The resolve provides that the department is not required to hold hearings prior to adoption of the rule and directs the department to implement the rule using existing resources.

LD 403 An Act To Eliminate the Exception from Minimum Wage Laws for Workers Who Receive Tips ONTP

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

This bill eliminates the “tip credit” provision of Maine’s minimum wage law that allows an employer to offset up to 50% of the minimum wage paid to a service employee who receives tips, provided that the employee receives at least the minimum hourly wage when direct wages and tips are combined.

LD 404 An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions Accepted Majority (ONTP) Report

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

Current law allows a public employer to deduct service fees owed by an employee to a collective bargaining agent pursuant to a lawful collective bargaining agreement. This bill prohibits a public employer from collecting those fees or collecting member dues.

LD 422 An Act To Improve Access to Treatments for Lyme Disease PUBLIC 235

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON JOHNSON	OTP-AM OTP-AM	H-216

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

This bill prohibits the Board of Licensure in Medicine from disciplining a physician or revoking or suspending a physician's license for prescribing, administering or dispensing long-term antibiotic therapy to a patient with acute, persistent or chronic Lyme disease if the therapy was pursuant to a treatment plan recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention that considered the patient's individual circumstance or was in the best judgment of the physician with respect to the particular patient or special clinical situation.

Committee Amendment "A" (H-216)

This amendment is the majority report of the committee. It replaces the bill and provides that a licensed physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic purpose to eliminate infection or to control a patient's symptoms upon making a clinical diagnosis that the patient has Lyme disease or displays symptoms consistent with a clinical diagnosis of Lyme disease. It requires the clinical diagnosis and treatment to be documented in the patient's medical record by the prescribing licensed physician. The amendment also defines terms, including "Lyme disease."

Committee Amendment "B" (H-217)

This amendment is the minority report of the committee. It replaces the bill with a resolve that directs the Board of Licensure in Medicine, Board of Osteopathic Licensure and the State Board of Nursing to notify their respective licensees that using nontraditional treatments for diseases, including Lyme disease, will not result in disciplinary action based solely upon the use of nontraditional treatment as long as the medical decision-making, the monitoring of the patient's reaction to the specific treatment and the patient's informed consent to the specific treatment are documented in the patient's medical record.

Enacted Law Summary

Public Law 2015, chapter 235 provides that a licensed physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic purpose to eliminate infection or to control a patient's symptoms upon making a clinical diagnosis that the patient has Lyme disease or displays symptoms consistent with a clinical diagnosis of Lyme disease. It requires the clinical diagnosis and treatment to be documented in the patient's medical record by the prescribing licensed physician.

LD 429 An Act To Modify the Disbursement from the Maine Economic Improvement Fund

CARRIED OVER

Sponsor(s)

BURNS
ALLEY

Committee Report

Amendments Adopted

This bill changes the apportionment of the percentage of the Maine Economic Improvement Fund that goes to the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias, the University of Maine at Presque Isle and the Maine Maritime Academy to support applied research and development by removing the apportionment to all institutions of a minimum of 3% of the fund and instead requiring a minimum of 2% of the fund to be disbursed to the University of Maine at Machias to support applied marine research and development at that university's marine field station and a minimum of 1% to be apportioned among the remainder of the institutions.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.