

# 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

## Committee Amendment "A" (S-160)

This amendment replaces the bill. Like the bill, this amendment authorizes the Board of Dental Examiners to issue a permit to a bona fide denturist student of a school acceptable to the board, after the completion of satisfactory training, to perform limited denturist services in private practice or institutional and public health service programs within the State, commensurate with the student's level of training under the supervision and control of a licensed dentist or denturist or instructional facility acceptable to the board. The amendment differs from the bill in that it requires the board only, rather than the board and the school, prior to the issuance of this permit, to determine that the supervision and control of the services to be performed by the student are adequate and that the performance of those services by the student adds to the student's knowledge and skill in the practice of denturism. The amendment specifies that a permit issued is valid for one year from the date of issuance and may be renewed one time only for the purpose of completing supervised training experience. It also requires the board to adopt routine technical rules to implement this provision.

### Enacted Law Summary

Public Law 2015, chapter 192 authorizes the Board of Dental Examiners to issue a permit to a bona fide denturist student of a school acceptable to the board, after the completion of satisfactory training, in order to allow the student to perform limited denturist services in private practice or institutional and public health service programs within the State, commensurate with the student's level of training under the supervision and control of a licensed dentist or denturist or instructional facility acceptable to the board. It requires the board, prior to the issuance of this permit, to determine that the supervision and control of the services to be performed by the student are adequate and that the performance of those services by the student adds to the student's knowledge and skill in the practice of denturism. The law specifies that a permit issued is valid for one year from the date of issuance and may be renewed one time only for the purpose of completing supervised training experience. It also requires the board to adopt routine technical rules to implement this provision.

## LD 1010 An Act To Afford Public Employers Flexibility To Achieve Efficiency and Quality in Management

Died On  
Adjournment

### Sponsor(s)

CUSHING  
SIROCKI

### Committee Report

ONTP  
OTP-AM

### Amendments Adopted

This bill amends the Municipal Public Employees Labor Relations Law by providing that the use of private contractors by a public employer to perform services for the public employer, and the elimination of employment positions resulting from the use of private contractors, are not subject to negotiation in collective bargaining.

## Committee Amendment "A" (S-201)

This amendment, which is the minority report of the committee, specifies that the provision of the bill applies only to the use of contractors for noninstructional services.

## LD 1011 An Act To Address Drug Testing in the Workplace and the Effect of Approved Substances on Current Drug Policy

Leave to Withdraw  
Pursuant to Joint  
Rule

### Sponsor(s)

CUSHING  
WARD

### Committee Report

### Amendments Adopted

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

Current law requires employers that want to provide a drug-free workplace by testing applicants or employees for substance abuse to develop and file a policy with the Department of Labor. The Bureau of Labor Standards reviews the policies to ensure compliance with state laws and rules. This bill provides employers with a single, consistent model policy. The model policy, which must be established by the Commissioner of Labor and managed by the department, is intended to encourage greater participation by employers to reduce substance abuse in the workplace. The bill requires an employer to adopt the model policy before establishing a substance abuse testing program. It removes the requirements that employers provide an employee assistance program and pay for half of rehabilitation beyond services provided through health care benefits. Employers may offer an employee assistance program if they choose. The bill amends the definition of "probable cause" to provide that a single work-related accident is probable cause to suspect an employee is under the influence of a substance of abuse. This bill requires the Department of Labor and Department of Health and Human Services to develop a policy to address the impact of medical marijuana use in the workplace for submission to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 2, 2015.

### **LD 1015 An Act To Require Large Employers To Report Compensation Information**

**Died Between Houses**

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

This bill requires employers who employ over 100 workers in the State to report annually to the Bureau of Labor Standards within the Department of Labor the total compensation of the chief executive officer of the employer and the total compensation of the full-time employee of the employer with the lowest rate of pay. The bill requires the bureau to submit an annual report including, for each employer required to report under this bill, the employers' information and the ratio of the total compensation of the chief executive officer of the employer to the total compensation of the full-time employee of the employer with the lowest rate of pay to the Legislature and post the report on the department's website.

#### **Committee Amendment "A" (S-141)**

This amendment, which is the majority report of the committee, provides that the compensation disclosure and reporting requirements of the bill apply with respect to an employer's highest-paid executive rather than the employer's chief executive officer.

The amendment also adds an appropriations and allocations section.

### **LD 1028 An Act To Amend the Laws Concerning the Registration of Professional Engineers**

**PUBLIC 228  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	H-303

This bill, retroactive to January 1, 2011, preserves the rights of holders of professional engineer licenses by allowing an engineer whose license has expired to renew that license up to five years after the date of expiration and, as long as the engineer had previously held a license as a professional engineer for at least 10 years, to forgo the licensure requirements otherwise applicable for a former licensee who is seeking license renewal after 90 days have elapsed, which are the same requirements applicable to new applicants.

#### **Committee Amendment "A" (H-303)**