

# 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 1158    An Act To Improve the Ability of Mental Health Professionals To Assess  
the Risk of Suicide**

**Accepted Majority  
(ONTP) Report**

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

This bill adds a new requirement for the renewal of professional licenses for social workers, licensed clinical professional counselors and psychologists that each must show proof upon renewal that the licensee has completed a minimum of six hours of course work every 10 years in suicide prevention, evidence-based suicide risk assessment or the treatment and management of suicidal persons, including knowledge of community resources and cultural factors. These courses may be used to satisfy the licensee's other continuing education requirements.

**LD 1165    An Act To Enact the Toxic Chemicals in the Workplace Act**

**Died Between  
Houses**

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

This bill enacts the Toxic Chemicals in the Workplace Act to create a statutory and regulatory framework designed to prevent harm to employees by reducing exposure to highly toxic chemicals in the workplace and thereby decrease the rates of cancer and other chronic diseases in the State, improve workplace chemical management and safety and ensure safer workplaces and healthier communities.

This bill specifically:

1. Directs the Department of Labor to develop criteria for identifying toxic and highly toxic chemicals, designate all toxic and highly toxic chemicals to be regulated by the Act and publish lists of all regulated toxic and highly toxic chemicals on its publicly accessible website;
2. Requires employers subject to the provisions of the Act to develop and implement a written alternative chemical work plan and designate a transition team to assist in transitioning from highly toxic chemicals in the workplace to safer alternatives;
3. Directs the transition team to inventory all chemicals in the workplace, both toxic and nontoxic, and determine which chemicals have been designated by the department as toxic or highly toxic chemicals;
4. Requires the transition team to develop a priority ranking of all identified highly toxic chemicals, based on a number of criteria, to assist in determining which chemicals will be transitioned to safer alternatives;
5. Directs the transition team, as part of developing the priority ranking, to conduct for each highly toxic chemical an alternatives analysis that includes, among other things, a detailed financial analysis of the costs of substituting an alternative;
6. Requires the transition team to decide which alternatives to highly toxic chemicals are safer alternatives and which safer alternatives should be tested and evaluated for permanent transition. After testing and evaluation of selected safer alternatives, the transition team may elect to transition to a safer alternative on a permanent basis;

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

7. Allows an employer, at any point after completing the transition to a safer alternative, to discontinue use of the safer alternative and report the basis for discontinuation to the department;
8. Stipulates reporting and records retention requirements for the employer, as well as guidelines for access to information by employees and state agencies;
9. Directs the development by the employer of employee training and other informational materials;
10. Authorizes the department to enforce the provisions of the Act and to issue penalties for violations of the Act;
11. Requires the department to adopt all rules necessary to implement the provisions of the Act;
12. Stipulates an effective date for the Act of September 1, 2016; and
13. Directs the department, by January 1, 2016, to submit for legislative review major substantive rules related to the Act.

**Committee Amendment "A" (H-328)**

This amendment, which is the minority report of the committee, makes a number of changes to the bill, including the following:

1. Expands the definition of "employer" to include employers engaged in employment activities involving the use, handling or storage of chemicals and employers with workplaces constructed of materials or including equipment that release highly toxic chemicals that pose a health risk to employees;
2. Removes the requirement for the Department of Labor to designate toxic and highly toxic chemicals to be regulated by the Act, and instead further defines highly toxic chemicals and directs employers to identify them. The department is required to publish on its publicly accessible website lists of online resources that identify highly toxic chemicals;
3. Requires an employer to contact chemical suppliers and manufacturers for possible safer chemical alternatives and to implement a process for permanent transition to the safer alternative chemicals. If the employer elects not to use safer alternative chemicals, the employer must submit a report to the Department of Labor detailing the basis for not proceeding with the transition to the safer alternative;
4. Requires employers to complete a self-audit for compliance with this Act; and
5. Requires annual employee training that follows the United States Department of Labor, Occupational Safety and Health Administration's globally harmonized system of classification and labeling of chemicals.

**LD 1182     An Act To Exempt Certain Agricultural Buildings from the Maine  
Uniform Building and Energy Code**

**PUBLIC 126**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN WHITTEMORE	OTP	

This bill requires the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board, the entity responsible for maintenance of the Maine Uniform Building and Energy Code, to exempt buildings used to house livestock or harvested crops from the code.

**Enacted Law Summary**