

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**

August 2015

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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

1. Repealing the laws governing the blind-made products program, a program that no longer exists;
2. Changing references to the Federal Rehabilitation Act to the federal Rehabilitation Act of 1973;
3. Specifying the Department of Labor as the designated state agency to provide rehabilitation services under the federal Rehabilitation Act of 1973 and naming the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired as the designated state units;
4. Defining "gainful employment" as it pertains to the different standards within the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired;
5. Changing the phrase "handicapped or disadvantaged individual" to "person with a disability"; and
6. Reducing the number of members on the Commission for the Deaf, Hard of Hearing and Late Deafened from 24 members and three at large members to up to 23 members to reflect the bylaws voted on by the commission. It also provides that members serve three-year terms and may serve multiple terms without limit.

LD 1201 An Act To Standardize and Simplify the Process for Employers To Have a Drug-free Workplace Policy ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING WARD	ONTP	

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 is 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. The bill requires the Department of Health and Human Services and the Department of Labor to work together to adopt rules to establish the model policy by July 1, 2016. The bill also requires the Commissioner of Labor to convene a study group to study issues related to the legalization of marijuana and the model policy. The bill directs the commissioner to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 127th Legislature related to the commissioner's report.

LD 1210 Resolve, Directing the Department of Professional and Financial Regulation To Study the Dental Practice Laws and Recommend Changes To Streamline the Licensure and Scope of Practice Provisions Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI	OTP-AM	H-129

This resolve directs the Commissioner of Professional and Financial Regulation to convene a work group to propose changes to the laws pertaining to dental practitioners. The joint standing committee of the Legislature having

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

jurisdiction over labor, commerce, research and economic development matters is authorized to report out a bill related to the work group's work to the First Regular Session of the 128th Legislature.

Committee Amendment "A" (H-129)

This amendment replaces the resolve and changes the title. It adds an emergency preamble and emergency clause and directs the Commissioner of Professional and Financial Regulation to study laws pertaining to dental practitioners, recommend changes that streamline the licensure and scope of practice provisions and submit any recommendations from the study to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on or before February 15, 2016. It authorizes the committee to report out a bill related to the commissioner's report to the Second Regular Session of the 127th Legislature.

LD 1211 An Act To Provide Rule-making Powers and Increased Authority over Dental Hygienists to the Subcommittee on Dental Hygienists

Accepted Majority (ONTP) Report

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

Under current law, the Board of Dental Examiners, Subcommittee on Dental Hygienists performs an initial review of complaints regarding dental hygienists and applications and continuing education requirements for dental hygienists. Following its review, the subcommittee makes a recommendation to the board and the board acts on the subcommittee's recommendation.

This bill provides the subcommittee with exclusive jurisdiction over licensing, continuing education and disciplinary matters regarding dental hygienists, independent practice dental hygienists, dental hygiene therapists, registered dental hygienists and dental hygienists with public health supervision status and provides the subcommittee with rule-making authority regarding these matters. The bill also changes the composition of the subcommittee by replacing one of the dentists with a dental hygienist who is involved in the training and education of dental hygienists at an accredited school of dental hygiene and removing the requirement that the existing two dental hygienists are qualified denturists.

Committee Amendment "A" (H-313)

This amendment is the minority report of the committee. It makes the following changes to the bill.

1. It increases the number of dental hygienists and removes the dentists on the Board of Dental Examiners, Subcommittee on Dental Hygienists.
2. It requires the subcommittee to review all nitrous oxide and local anesthesia permits.
3. It changes the number of continuing education hours required for the renewal of a dental hygiene therapist license from 35 to 30.
4. It allows a dental hygienist with public health supervision status and 3,000 hours of clinical practice under general supervision of a dentist to apply for licensure as an independent practice dental hygienist.
5. It adds taking impressions and fabricating teeth whitening trays and dispensing teeth whitening solution to the scope of practice for an independent practice dental hygienist.
6. It requires the Commissioner of Professional and Financial Regulation to provide oversight over the subcommittee's routine technical rule-making process.