

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

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.

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

7. It adds an appropriations and allocations section.

LD 1217 An Act To Require at Least 2 Weeks' Advance Notice of the Work Schedule for Hourly Employees at Certain Businesses ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MELARAGNO GERZOFSKY	ONTP	

This bill requires employers who employ 100 or more employees in the State to provide hourly employees at least two weeks' prior notice of the employees' work schedules, with compensation owed for schedule changes under certain circumstances. The bill also requires these employers to keep certain business records for at least three years.

The bill provides that the Department of Labor, Bureau of Labor Standards may investigate possible violations and receive complaints of possible violations from the public. A fine of \$50 per day is due for any noncompliance. The Attorney General may also file a civil action seeking additional remedies. The department may adopt rules regarding compliance with and enforcement of these provisions, and the bureau must report to the Legislature periodically on violations of the law and the bureau's efforts.

LD 1218 An Act Regarding the Administration of Vaccines by Pharmacists PUBLIC 211

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING CUSHING	OTP-AM	H-379

This bill amends the law authorizing a pharmacist to administer influenza shots to a person nine years of age or older to allow a licensed pharmacist who has received training to administer vaccines to persons seven years of age or older.

Committee Amendment "A" (H-379)

This amendment replaces the bill, which allows a pharmacist to administer vaccines licensed and recommended by the United States Food and Drug Administration. Current law allows a pharmacist to administer an influenza vaccine to a person nine years of age or older. The amendment lowers that age to seven years of age.

Enacted Law Summary

Public Law 2015, chapter 211 allows a pharmacist to administer vaccines licensed and recommended by the United States Food and Drug Administration. Current law allows a pharmacist to administer an influenza vaccine to a person nine years of age or older. The law lowers that age to seven years of age.

LD 1240 An Act To Phase Out the Payment of Subminimum Wages to Workers with Disabilities CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ HERBIG		

Currently the State Government and Federal Government may issue special certificates permitting an employer to pay an individual with a physical or mental disability a wage less than the State's minimum wage based on the