

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND 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

SECOND REGULAR SESSION



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 Second 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.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. 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

This bill changes the minimum number of Citizen Trade Policy Commission members necessary to hold a meeting from 11 to nine and the minimum number of commission members necessary for purposes of voting from nine to seven.

Enacted Law Summary

Public Law 2015, chapter 400 changes the minimum number of members of the Citizen Trade Policy Commission necessary to hold a meeting from 11 to nine and the minimum number of commission members necessary for purposes of voting from nine to seven.

LD 1549 An Act To Amend the Laws Governing Oversight of and Responsibility PUBLIC 412 for the Kim Wallace Adaptive Equipment Loan Program Fund

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON M KATZ R	OTP-AM	H-536

This bill changes the entity with whom funds from the Kim Wallace Adaptive Equipment Loan Program must be deposited from the Finance Authority of Maine to the Treasurer of State. The bill also eliminates the Kim Wallace Adaptive Equipment Loan Program Board and authorizes the Treasurer of State to select a program administrator both to administer the program and to decide whether to approve applications for loan funds. The bill authorizes the Treasurer of State to select a new program administrator through an RFP process if loan performance is poor. The bill permits, but does not require, the program administrator to establish an advisory board and to select board members, of whom a majority must be Maine citizens with disabilities.

Committee Amendment "A" (H-536)

This amendment replaces the bill. It authorizes the Kim Wallace Adaptive Equipment Loan Program Fund Board to contract with appropriate entities, including a financial services provider, for assistance in administering the program. The board or financial services provider, if one has been selected, may approve or deny a loan application based on its determination whether the application meets the purposes of the fund and satisfies the underwriting guidelines approved by the board. Individuals whose applications are denied by the financial services provider may appeal to the board for reconsideration.

Enacted Law Summary

Public Law 2015, chapter 412 authorizes the Kim Wallace Adaptive Equipment Loan Program Fund Board to contract with appropriate entities, including a financial services provider, for assistance in administering the program. The board or financial services provider, if one has been selected, may approve or deny a loan application based on a determination whether the application meets the purposes of the fund and satisfies the underwriting guidelines approved by the board. Individuals whose applications are denied by the financial services provider may appeal to the board for reconsideration.

LD 1553 An Act To Improve the Workers' Compensation System PUBLIC 469

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-399

This bill makes the following changes to the Maine Workers' Compensation Act of 1992.

1. It transfers the predetermination of independent contractor status process to the Department of Professional and

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Financial Regulation, Bureau of Insurance.

2. It establishes that rebuttable presumptions granted as a result of a request for a predetermination are admissible only in proceedings arising under the Maine Revised Statutes, Title 24-A. Conclusive predeterminations received by landowners continue to be admissible in proceedings under the Maine Workers' Compensation Act of 1992.
3. It modifies the law after the Law Court's decision in *Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al.*, 2015 ME 99 and ensures employers that misclassify employees as independent contractors are subject to penalties under the Maine Workers' Compensation Act of 1992.
4. It increases the Workers' Compensation Board's assessment cap by \$1.8 million starting in fiscal year 2016-17.
5. It establishes that appeals to the Law Court from the Workers' Compensation Board are from decisions of the Workers' Compensation Board's Appellate Division and not an individual administrative law judge.

Committee Amendment "A" (S-399)

This amendment changes the bill by eliminating the sections affecting independent contractor predeterminations. The amendment instead requires the Workers' Compensation Board to study the current system for independent contractor predeterminations and report any recommended legislation to the joint standing committee of the Legislature having jurisdiction over labor matters.

It replaces the provision in the bill intended to modify the law after the Law Court's decision in *Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al.*, 2015 ME 99 with a similar provision that deems employer misclassification of employees as a failure to secure workers' compensation payment, making it applicable to all employers, as opposed to only construction contractors, and limiting penalties to only those provided under Title 39-A, section 324, subsection 3.

The amendment also requires the Workers' Compensation Board to consider an employer's efforts to comply with the coverage requirements of the Maine Workers' Compensation Act of 1992 when imposing a monetary penalty, establishes that criminal prosecution may be pursued only if the employer has committed a knowing violation and establishes that revocation of authority to operate pursuant to the Maine Revised Statutes, Title 39-A, section 324, subsection 3, paragraph C may be pursued only if the employer has committed a knowing violation, has failed to pay a penalty assessed pursuant to that subsection or continues to operate without required workers' compensation insurance coverage after a penalty has been assessed pursuant to that subsection. Additionally, the amendment delays the increase to the Workers' Compensation Board assessment cap from fiscal year 2016-17 to fiscal year 2017-18.

Enacted Law Summary

Public Law 2015, chapter 469 makes the following changes to the Maine Workers' Compensation Act of 1992.

1. It modifies the law after the Law Court's decision in *Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al.*, 2015 ME 99 to clarify that employers who misclassify employees as independent contractors are subject to penalties for failure to secure workers' compensation payment under the Maine Workers' Compensation Act of 1992.
2. It increases the Workers' Compensation Board's assessment cap by \$1.8 million starting in fiscal year 2017-18.
3. It establishes that appeals to the Law Court from the Workers' Compensation Board are from decisions of the Workers' Compensation Board's Appellate Division and not an individual administrative law judge.
4. It requires the Workers' Compensation Board to consider an employer's efforts to comply with the coverage requirements of the Maine Workers' Compensation Act of 1992 when imposing a monetary penalty, establishes that

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criminal prosecution may be pursued only if the employer has committed a knowing violation and establishes that revocation of authority to operate pursuant to the Maine Revised Statutes, Title 39-A, section 324, subsection 3, paragraph C may be pursued only if the employer has committed a knowing violation, has failed to pay a penalty assessed pursuant to that subsection or continues to operate without required workers' compensation insurance coverage after a penalty has been assessed pursuant to that subsection.

5. It requires the Workers' Compensation Board to study the current system for independent contractor predeterminations and report any recommended legislation to the joint standing committee of the Legislature having jurisdiction over labor matters. The committee will have authority to report out a bill relating to the report to the First Regular Session of the 128th Legislature.

LD 1559 An Act To Encourage Roller Derby

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL D	OTP	

This bill amends the Roller-skating Safety Act by creating an exception to the law prohibiting skaters at roller-skating rinks from colliding with objects and other skaters. The exception applies to skaters taking part in an organized team sport during practice, scrimmage, games, clinics or an officially sanctioned skating or roller derby event.

Enacted Law Summary

Public Law 2015, chapter 454 amends the Roller-skating Safety Act by creating an exception to the law prohibiting skaters at roller-skating rinks from colliding with objects and other skaters. The exception applies to skaters taking part in an organized team sport during practice, scrimmage, games, clinics or an officially sanctioned skating or roller derby event.

LD 1591 An Act To Amend the Maine Veterinary Practice Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J BLACK R	ONTP	

This bill amends the Maine Veterinary Practice Act by creating an exception to the requirement that a veterinarian be engaged in a veterinarian-client-patient relationship when practicing veterinary medicine. This exception allows a veterinarian to administer a vaccination against rabies, distemper, parvovirus, rhinotracheitis or panleukopenia at a vaccination clinic if the pet owner signs an informed consent waiver explaining the potential adverse events that may result from vaccination and that a vaccination is not a substitute for a complete physical examination.

LD 1596 An Act To Revise the Laws Regarding Dental Practices

PUBLIC 429

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H	OTP-AM	H-621

This bill is a concept draft pursuant to Joint Rule 208.