

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.

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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.

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This bill proposes to recodify Title 32, chapter 16 of the Maine Revised Statutes, which governs the practice of dentistry by dentists, expanded function dental assistants, independent practice dental hygienists, dental hygiene therapists, dental hygienists, dental auxiliaries, denturists and dental radiographers.

Committee Amendment "A" (H-621)

This amendment replaces the bill, which is a concept draft. The amendment repeals Title 32, chapter 16 of the Maine Revised States, which governs the practice of dentistry by dentists and dental auxiliaries and creates a new Dental Practice Act located in Title 32, chapter 143 of the Maine Revised Statutes. The amendment also makes necessary corrections to cross-references scattered throughout the Maine Revised Statutes. The new Dental Practice Act:

1. Changes the name of the Board of Dental Examiners to the Board of Dental Practice and aligns many of the board's duties and powers with the laws governing professional licensing boards that are located within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation;
2. Identifies the qualifications necessary for individuals to obtain each type of license or authority issued by the board;
3. Incorporates in statute all of the scopes of practice provisions for dentists and dental auxiliaries that formerly were located partially in statute and partially in board rule, enumerating the dental procedures that dentists, expanded function dental assistants, dental hygienists, public health dental hygienists, dental hygiene therapists, independent practice dental hygienists, dental radiographers and denturists may perform and the level of supervision required for each procedure;
4. Identifies the limited settings in which faculty dentists, clinical dentist educators, charitable dentists, limited dentists, resident dentists, faculty dental hygienists and faculty denturists may practice; and
5. Identifies the specific, limited duties that a dentist may delegate to an unlicensed dental assistant who practices under the dentist's supervision.

The amendment directs that any license or permit in effect on the effective date of the Act remains in effect through its current expiration date, at which time a new license or authority may be issued by the Board of Dental Practice. The amendment directs the Board of Dental Practice to conduct a study of the new Dental Practice Act and any rules adopted by the former Board of Dental Examiners, focusing specifically on scopes of practice, practice settings, and delivery models. The board must submit a report with recommended legislation by March 1, 2017 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters. The committee may report out a bill to the Second Regular Session of the 128th Legislature proposing legislation related to the board's report.

Enacted Law Summary

Public Law 2015, chapter 429 recodifies the laws governing dental professionals by repealing Title 32, chapter 16 of the Maine Revised States and creating a new Dental Practice Act located in Title 32, chapter 143 of the Maine Revised Statutes. It also makes necessary corrections to cross-references scattered throughout the Maine Revised Statutes. The new Dental Practice Act:

1. Changes the name of the Board of Dental Examiners to the Board of Dental Practice and aligns many of the board's duties and powers with the laws governing professional licensing boards that are located within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation;
2. Identifies the qualifications necessary for individuals to obtain each type of license or authority issued by the board;

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3. Incorporates in statute all of the scopes of practice provisions for dentists and dental auxiliaries that formerly were located partially in statute and partially in board rule, enumerating the dental procedures that dentists, expanded function dental assistants, dental hygienists, public health dental hygienists, dental hygiene therapists, independent practice dental hygienists, dental radiographers and denturists may perform and the level of supervision required for each procedure;
4. Identifies the limited settings in which faculty dentists, clinical dentist educators, charitable dentists, limited dentists, resident dentists, faculty dental hygienists and faculty denturists may practice; and
5. Identifies the specific, limited duties that a dentist may delegate to an unlicensed dental assistant who practices under the dentist's supervision.

Public Law 2015, chapter 429 directs that any license or permit in effect on the effective date of the Act remains in effect through its current expiration date, at which time a new license or authority may be issued by the Board of Dental Practice. It further directs the Board of Dental Practice to conduct a study of the new Dental Practice Act and any rules adopted by the former Board of Dental Examiners, focusing specifically on scopes of practice, practice settings, and delivery models. The board must submit a report with recommended legislation by March 1, 2017 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters. The committee may report out a bill to the Second Regular Session of the 128th Legislature proposing legislation related to the board's report.

LD 1598 An Act To Amend Procedures for the Licensing of Architects and Foresters

**PUBLIC 414
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 955 and then referred back to the committee for processing in the normal course.

The bill authorizes the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers to specify, by rule, the required amount of practical experience under the supervision of an experienced architect or architects that an applicant for licensure as an architect must complete before obtaining a license. The bill also removes the requirement that candidates for a forester license submit applications and examination fees to the Board of Licensure of Foresters because, in current practice, candidates submit their applications and examination fees to a board-approved testing company rather than directly to the board.

Enacted Law Summary

Public Law 2015, chapter 414 authorizes the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers to specify, by rule, the required amount of practical experience under the supervision of an experienced architect or architects that an applicant for licensure as an architect must complete before obtaining a license. It also removes the requirement that candidates for a forester license submit applications and examination fees to the Board of Licensure of Foresters because, in current practice, candidates submit their applications and examination fees to a board-approved testing company rather than directly to the board.

Public Law 2015, chapter 414 was enacted as an emergency measure effective March 29, 2016.