

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH 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 2017

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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 128th 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 FINAL 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 128th Legislature is Wednesday, November 1, 2017. 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 593 An Act To Update the Licensure Renewal Provision of the Board of
Licensure in Medicine**

PUBLIC 63

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S AUSTIN S	OTP	

This bill eliminates the statutory requirement that the Board of Licensure in Medicine mail three separate written notices to each licensed physician whose license is about to expire or has expired and instead requires only that the board send one notice to each licensee at least 60 days prior to the license expiration date. In addition, the bill extends from 30 days to 90 days the time after license expiration during which an individual may submit to the board an application, renewal fee and late fee seeking reinstatement of the expired license.

Enacted Law Summary

Public Law 2017, chapter 63 eliminates the statutory requirement that the Board of Licensure in Medicine mail three separate written notices to each licensed physician whose license is about to expire or has expired and instead requires only that the board send one notice to each licensee at least 60 days prior to the license expiration date. In addition, Public Law 2017, c. 63 extends from 30 days to 90 days the time after license expiration during which an individual may submit to the board an application, renewal fee and late fee seeking reinstatement of the expired license.

**LD 612 An Act To Improve Vocational Rehabilitation under the Maine Workers'
Compensation Act of 1992**

PUBLIC 53

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R VOLK A	OTP-AM	H-44

This bill provides that if an employee is actively participating in a rehabilitation plan ordered by the Workers' Compensation Board or entered into voluntarily with the employer, there is a conclusive presumption that work is unavailable to the employee for as long as the employee continues to actively participate in employment rehabilitation, and during the employee's active participation in the rehabilitation plan, benefits must be paid to the employee.

Committee Amendment "A" (H-44)

This amendment replaces the bill. The amendment repeals the presumption in the workers' compensation laws that work is unavailable to an injured employee who is participating in employment rehabilitation. In place of the presumption, the amendment enacts a new provision that provides that an injured employee participating in employment rehabilitation has a right to benefits except under three circumstances in which benefits may be reduced: when the employee has returned to work with or received an increase in pay from the employer; when the employer has reduced benefits based on documented earnings of the employee; and when the employee has reached the durational limit of partial incapacity benefits.

Enacted Law Summary

Public Law 2017, chapter 53 repeals the presumption in the workers' compensation laws that work is unavailable to an injured employee who is participating in employment rehabilitation. In place of the presumption, it enacts a new provision that provides that an injured employee participating in employment rehabilitation has a right to benefits except under three circumstances in which benefits may be reduced: when the employee has returned to work with or received an increase in pay from the employer; when the employer has reduced benefits based on documented

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earnings of the employee; and when the employee has reached the durational limit of partial incapacity benefits.

LD 613 An Act To Protect Job Applicants from Identity Theft

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY C	OTP-AM OTP-AM	H-117

This bill prohibits an employer from requesting a social security number from a prospective employee on an employment application or during the application process for employment. This bill does not apply to the intake of information for substance abuse testing or a preemployment background check or after the employee is hired as required for tax withholding and other necessary purposes.

Committee Amendment "A" (H-116)

This amendment is the majority report of the committee. It replaces the bill with language to clarify the intent to prohibit the request of a social security number from a prospective employee by an employer on an employment application or during the application process. An employer may still request a social security number from a prospective employee for purposes of a substance abuse test or preemployment background check. The amendment further clarifies that an employer is not prohibited from asking for a social security number from an individual for any reason after the individual has been hired.

This amendment was not adopted.

Committee Amendment "B" (H-117)

This amendment is the minority report of the committee. It replaces the bill with language to clarify that the existing law that prohibits a person, corporation or other entity from denying goods or services to a person who refuses to provide a social security number also applies to the denial of benefits, including, but not limited to, employment.

LD 614 An Act To Establish a Presumption of Heart Disease or Hypertension in the Line of Duty for Corrections Officers under the Workers' Compensation Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	ONTP	

This bill amends the workers' compensation laws by adding a presumption that heart disease or hypertension suffered by a corrections officer was caused in the course of employment as a corrections officer, similar to the provisions presuming that cancer contracted by a firefighter was caused by exposure to carcinogens in the course of the firefighter's firefighting duties.

LD 615 Resolve, To Establish a Work Group To Update the Maine Pharmacy Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHACE P	ONTP	