

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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STAFF:

HENRY FOUTS, LEGISLATIVE ANALYST
JANET STOCCO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

*Committee member for a portion of the session

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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 831 An Act To Base the Minimum Wage on a New England State Average and To Restore the Tip Credit

Died Between Houses

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

This bill provides that starting January 1, 2018 the minimum hourly wage is the average minimum hourly wage in the New England states of New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island on July 1st of the previous year, as determined annually by the Commissioner of Labor. It also restores the tip credit starting January 1, 2018.

Committee Amendment "A" (S-210)

This amendment is the minority report of the committee. It replaces the title and the bill and provides that the minimum wage may not exceed the average minimum wage paid in the New England states, as determined by the Commissioner of Labor.

This amendment was not adopted.

LD 848 An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder

PUBLIC 294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J VOLK A	OTP-AM	H-448

This bill establishes a rebuttable presumption under the laws governing workers' compensation that when a law enforcement officer, firefighter, corrections officer or emergency medical services worker is diagnosed by a licensed physician specializing in psychiatry or a licensed psychologist as having post-traumatic stress disorder, the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment.

Committee Amendment "A" (H-448)

This amendment changes the rebuttable presumption in the workers' compensation laws created by the bill by requiring that a psychiatrist or psychologist must diagnose the employee as having post-traumatic stress disorder resulting from work stress that was extraordinary and unusual and that the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder. The amendment also eliminates corrections officers from the classes of employees that are eligible for the presumption. This amendment directs the Workers' Compensation Board to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 2022, analyzing the number of claims brought as a result of the provisions of the bill, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of the bill on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety are directed to assist the board in developing the report, and the board is required to seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report. This amendment also repeals the new rebuttable presumption October 1, 2022, and adds a mandate preamble.

Enacted Law Summary

Public Law 2017, chapter 294 establishes a rebuttable presumption under the laws governing workers' compensation that when a law enforcement officer, firefighter or emergency medical services worker is diagnosed by a psychiatrist

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

or psychologist as having post-traumatic stress disorder resulting from work stress that was extraordinary and unusual and that the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder. The rebuttable presumption is repealed October 1, 2022.

This law also directs the Workers' Compensation Board to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 2022, analyzing the number of claims brought as a result of the provisions of the bill, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of the bill on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety are directed to assist the board in developing the report, and the board is required to seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report.

LD 872 An Act To Establish Requirements Related to the Practice of Dry Needling ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R LANGLEY B	ONTP	

This bill specifies that licensed physical therapists may use dry needling in accordance with rules adopted by the Board of Examiners in Physical Therapy that require, at a minimum, that these physical therapists: possess a doctoral degree in physical therapy; complete a minimum of 120 classroom hours in dry needling theory and techniques; complete a minimum of 80 hours of clinical instruction in dry needling; complete infection control instruction; and register as biomedical waste generators. The bill also prohibits a licensed physical therapist from professing to practice acupuncture unless the therapist holds an acupuncturist license from the Board of Complementary Health Care Providers.

LD 873 An Act To Adopt Tiny House Standards in the Maine Uniform Building and Energy Code Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S WOODSOME D		

This bill requires the Technical Building Codes and Standards Board to ensure that tiny house construction is permissible under the Maine Uniform Building and Energy Code. The bill also requires that the Technical Building Codes and Standards Board adopt standards for tiny house construction consistent with the Tiny House Appendix to the International Residential Code, as approved by the International Code Council in December 2016.

LD 884 An Act To Exempt Small Bottlers from the Bottling Plant Requirements ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	ONTP	

This bill exempts beverage plants that bottle no more than 10,000 gallons of beverages per year from the law imposing specific sanitation, machinery and equipment requirements on beverage plants that prepare, manufacture