

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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 1006 An Act Regarding Housing Insecurity of Older Citizens

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM ONTP	H-210

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to establish a statewide commission to study housing insecurity in the context of aging in place. The commission created under this bill would be tasked with exploring:

1. The long-term implications associated with the State's aging population;
2. The status of available affordable housing options in the State;
3. The availability of weatherization and repair programs that would allow older individuals to remain in their homes;
4. Various models of affordable and appropriate housing opportunities for older citizens that are in place in other states; and
5. The establishment of a statewide program facilitating the building for older persons of small accessory dwelling units that are located on the same grounds as, or attached to, a primary residence belonging to a family member of the older person.

Committee Amendment "A" (H-210)

This amendment, which is the majority report of the committee, replaces the bill, which is a concept draft. This amendment establishes the Advisory Council on Senior Housing to study the unmet need for affordable housing units for elderly residents of the State as well as the financial burden of home modifications and repairs necessary to enable the State's elderly residents to remain in their homes. The council is directed to make recommendations to the director of the Maine State Housing Authority for the development by January 1, 2023 of a strategic housing plan enabling elderly residents of the State to live in affordable, safe housing as they age. The director is directed to report to the joint standing committee of the Legislature having jurisdiction over housing matters on the development or implementation of the strategic housing plan by March 15th of the first regular session of each Legislature. The amendment also adds an appropriations and allocations section.

LD 1244 An Act To Support Small Manufacturers in the State

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A		

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

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to enact measures to support small manufacturers in the State.

LD 1280 An Act To Require Drug Manufacturers To Comply with Federal Law

PUBLIC 434

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-153
GATTINE D	ONTP	S-297 JACKSON T S-309 JACKSON T

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill amends the Maine Pharmacy Act to require that a drug distributed in this State must be made available for sale in this State to an "eligible product developer," which is defined as a person seeking to develop an application for the approval of the drug under the Federal Food, Drug, and Cosmetic Act or the licensing of a biological product under the federal Public Health Service Act. It establishes disciplinary actions for noncompliance and further authorizes the Attorney General to bring an action for injunctive relief to enforce the bill's requirements.

Committee Amendment "A" (S-153)

This amendment, which is the majority report of the committee, clarifies that the bill's requirement that a drug distributed in this State be made available for sale to an eligible product developer applies only to manufacturers and wholesalers of drugs licensed in this State under the Maine Pharmacy Act. The sale must be made at the fair market price and the licensed manufacturer or wholesaler may not impose any restriction on the sale that would block or delay the eligible product developer's application in a manner inconsistent with Section 505-1(f)(8) of the Federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 355-1(f)(8) (2016).

The amendment further provides that if the Attorney General prevails in an enforcement action, the court must order the defendant to reimburse the State for the costs of prosecuting the action, including reasonable attorney's fees.

Senate Amendment "C" To Committee Amendment "A" (S-299)

This amendment requires a drug manufacturer or wholesaler to make a drug available for sale at a price no greater than the wholesale acquisition cost rather than at the fair market price as provided in Committee Amendment "A" and adds an intent section.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-297)

The bill, as amended by Committee Amendment "A," requires that a drug distributed in this State be made available for sale to an eligible product developer by a manufacturer or wholesaler of drugs licensed in this State under the Maine Pharmacy Act. This amendment provides that a manufacturer or wholesaler is not liable for injuries alleged to have been caused by the failure to include adequate safety warnings on a product's label or by a defect in the product's design if that product was not manufactured or sold by that manufacturer or wholesaler.

Senate Amendment "A" To Committee Amendment "A" (S-295)