

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. AMY F. VOLK, CHAIR
SEN. BRIAN D. LANGLEY
SEN. SHEENA LEE BELLOWS

REP. RYAN M. FECTEAU, CHAIR
REP. ANNE-MARIE MASTRACCIO
REP. DILLON F. BATES
REP. JAMES R. HANDY
REP. DONNA R. DOORE *
REP. MICHELLE DUNPHY*
REP. MICHAEL A. SYLVESTER
REP. SUSAN M. W. AUSTIN
REP. LAWRENCE E. LOCKMAN
REP. JOEL R. STETKIS
REP. KAREN R. VACHON

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

STATE OF MAINE

128TH LEGISLATURE
FIRST 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 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 1244 An Act To Support Small Manufacturers in the State

CARRIED OVER

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

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

This bill proposes to enact measures to support small manufacturers in the State.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1259 An Act Regarding Pay Equality

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C TEPLER D	OTP-AM ONTP	S-173

This bill amends the Maine Human Rights Act to provide that evidence of discrimination with respect to compensation includes an employer seeking information about a prospective employee's prior wage history before an offer of employment, including all compensation, to the prospective employee has been made. It provides that this discrimination is also evidenced by an employer requiring that a prospective employee's prior compensation history meet certain criteria. The bill broadens a provision in the current equal pay law to prohibit an employer from preventing employees from discussing or disclosing other employees' wages and makes the practice evidence of discrimination with respect to compensation under the Maine Human Rights Act as well.

Committee Amendment "A" (S-173)

This amendment is the majority report of the committee. It qualifies that the exception in the bill for instances when a prospective employee has voluntarily disclosed wage history information applies only to those instances when a prospective employee voluntarily discloses wage history without any prompting by the employer or employment agency.

LD 1263 Resolve, To Increase the Affordability of Safe Drinking Water for Maine Families

RESOLVE 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J HERBIG E	OTP-AM ONTP	S-109 S-327 HAMPER J

This resolve provides one-time appropriations totaling \$500,000 from the General Fund for treatment of contaminated private drinking water wells. The resolve directs the Maine State Housing Authority to distribute \$300,000 of these funds to organizations and agencies to identify at-risk individuals in homes with contaminated wells and to connect those individuals to appropriate resources and financial assistance; individuals need not meet the eligibility criteria for the home repair program to receive this assistance. The resolve directs the remaining \$200,000 to the authority's home repair program to assist eligible low-income homeowners with the purchase of well water treatment systems.

Committee Amendment "A" (S-109)

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

This amendment, which is the majority report of the committee, provides for a one-time appropriation of \$500,000 from the General Fund to the Maine State Housing Authority for treatment of contaminated private drinking water wells for families with household incomes no greater than 120% of the area median income. The amendment limits the portion of the funds that can be used for marketing and outreach to \$50,000 and authorizes the authority to use up to 15% of the total funds for program administration. The amendment strikes from the bill a separate appropriation of funds to the Maine Home Repair Program.

Senate Amendment "A" To Committee Amendment "A" (S-327)

This amendment requires the State Controller to transfer \$500,000 by June 30, 2018 from the Medical Use of Marijuana Fund to the unappropriated surplus of the General Fund to offset the one-time General Fund appropriation of \$500,000 in this resolve.

Enacted Law Summary

Resolve 2017, chapter 28 provides for a one-time appropriation of \$500,000 from the General Fund to the Maine State Housing Authority for treatment of contaminated private drinking water wells for families with household incomes no greater than 120% of the area median income. Resolve 2017, chapter 28 also requires the State Controller to transfer \$500,000 by June 30, 2018, from the Medical Use of Marijuana Fund to the unappropriated surplus of the General Fund to offset the one-time General Fund appropriation of \$500,000. The authority may use up to 15% of the total funds for program administration and up to \$50,000 of the funds for targeted marketing and outreach to connect households with contaminated well water to appropriate professional services for assessing and installing well water treatment systems.

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

CARRIED OVER

<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 amends the Maine Pharmacy Act to require that a drug distributed in this State must be made available for sale in this State to 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.

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 amendment further requires sale of a drug distributed in this State to eligible product developers at a fair market price for purposes of supporting the eligible product developer's application for approval of a drug under the Federal Food, Drug, and Cosmetic Act, Section 505(b) or 505(j) or the licensing of a biological product under the federal Public Health Service Act, Section 351. 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).

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