

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

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

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

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 "D" To Committee Amendment "A" (S-309)

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 limits the price charged to customers for the drug obtained pursuant to this requirement to no more than the wholesale acquisition cost. This amendment also adds an intent section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1306 An Act To Create a Small Communities Tourism Grant Program

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E BELLOWS S	OTP-AM ONTP	H-227

This bill establishes the Small Communities Tourism Fund in the Department of Economic and Community Development, Office of Tourism to issue grants to small communities to promote tourism and events.

Committee Amendment "A" (H-227)

This amendment, which is the majority report of the committee, replaces the bill. The amendment creates a small communities tourism grant program to issue matching grants to small communities to promote tourism and events. The \$10,000 annual funding for this program derives from the tax revenues received by the Tourism Marketing Promotion Fund.

LD 1307 An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P MAKER J	ONTP OTP-AM	

This bill requires an employer, before employing a person or referring a person for employment, to make a good faith inquiry as to whether that person is a United States citizen or an alien, and, if the inquiry reasonably indicates that the person is an alien, the employer must use the E-Verify program operated by the United States Department of Homeland Security to verify the employment eligibility of that person.

Committee Amendment "A" (H-400)

This amendment is the minority report of the committee. It replaces the bill and requires every public employer and public contractor to register with and use the E-Verify program to determine the work eligibility status of new employees physically performing services within the State.

This amendment was not adopted.