

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**

October 2018

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**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

This amendment amends Committee Amendment "A" to authorize the Attorney General to accept private funds, including, but not limited to, funds from corporations, private foundations and individuals, to defend the constitutionality of the requirements placed on manufacturers and wholesalers in the bill, as amended.

This amendment was not adopted.

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

This amendment requires a drug manufacturer or wholesaler to make a drug available for sale to an eligible product developer 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 a drug manufactured by the eligible product developer to no more than that wholesale acquisition cost. This amendment also adds an intent section.

Enacted Law Summary

Public Law 2017, chapter 434 requires that drug manufacturers and wholesalers licensed in this State under the Maine Pharmacy Act make a drug that is distributed in this State available for sale in this State to a person, known as an "eligible product developer," that seeks to develop an application for the approval of a drug under the Federal Food, Drug, and Cosmetic Act or the licensing of a biological product under the federal Public Health Service Act. The licensed drug manufacturer or wholesaler must make the drug available at a price no greater than the wholesale acquisition cost and without any restriction that would block or delay the eligible product developer's application for federal approval in a manner that is inconsistent with the Federal Food, Drug, and Cosmetic Act.

An eligible product developer who purchases a drug from a licensed drug manufacturer or wholesaler at a price no greater than the wholesale acquisition cost for that drug in accordance with this Act must sell the drug manufactured by that eligible product developer to consumers in this state at an equal or lesser price.

A licensed drug manufacturer or wholesaler who makes products distributed in this State available to an eligible product developer as required by this Act 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.

Entities licensed under the Maine Pharmacy Act that fail to comply with the requirements of this Act are subject both to administrative discipline and to suits for injunctive relief brought by the Attorney General. 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.

LD 1308

Resolve, To Expedite the Processing of Applications for Certification under the Work Opportunity Tax Credit

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R WOODSOME D	OTP-AM ONTP	H-118

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.

This bill proposes to implement programs to facilitate the transition of persons from rehabilitation for drug or

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

alcohol addiction or economic dependency to self-sufficiency by providing employment opportunities while allowing their employers to reduce their tax liability.

This bill would create a program, modeled on the federal Work Opportunity Tax Credit program operated by the United States Department of Labor, to encourage employers to hire from certain population segments, such as MaineCare and Medicare recipients, veterans, persons in the Temporary Assistance for Needy Families program or receiving general assistance, persons convicted of a crime who have been released from prison, persons recently out of residential treatment or detoxification for substance use disorder or who recently began medication-assisted treatment and disadvantaged teens. The incentives would consist of tax credits based on the wages paid to qualified persons and financial assistance for training costs.

Committee Amendment "A" (H-118)

This amendment is the majority report of the committee. It replaces the bill, which is a concept draft, with a resolve that directs the Department of Labor to establish a new permanent position in the Bureau of Employment Services to expedite the processing of employer applications for certification required for the federal work opportunity tax credit under Section 51 of the United States Internal Revenue Code. The amendment also requires the Department of Labor to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with information concerning applications submitted by employers in 2017, including information on the extent of any backlog in application processing, by February 1, 2018. The amendment adds an appropriations and allocations section.

LD 1327 An Act To Expedite Health Care Employment for Military Veterans

PUBLIC 326

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B THIBODEAU M	OTP-AM	H-581

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

This bill allows a former United States Army medic, United States Air Force medical technician, United States Navy corpsman or United States Coast Guard health services technician to perform medical services that reflect the person's medical training and experience under the supervision of a person licensed by the Board of Osteopathic Licensure, Board of Licensure in Medicine or Board of Licensure of Podiatric Medicine or under the supervision of a health care facility that is itself supervised by a licensee. The medical services must be delegated to the person by the supervising licensee and set forth in a medical practice agreement approved by the relevant board.

Committee Amendment "A" (H-581)

This amendment strikes and replaces the bill. The amendment establishes the Health Care Employment for Military Veterans Program within the Department of Labor and charges the program with creating a "military-to-civilian crosswalk" that compares the military training and experience obtained by individuals who have served in specific military health care occupational specialties and the education and experience required to obtain national certification or state licensure or certification in equivalent or similar civilian health care occupations. The program is also charged with providing direct assistance to eligible veterans who seek to enroll in postsecondary education institutions and obtain academic credit for their military training and experience as well as eligible veterans who seek to secure an apprenticeship or employment in a health care occupation in the State. The department is required to operate the program using existing resources or available grant funding and, to the extent resources are limited, the program is required to give priority to eligible veterans who were discharged or released from military service no longer than two years prior to seeking assistance.

Enacted Law Summary