

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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STATE OF MAINE

128TH LEGISLATURE
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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

The amendment also restores the requirements in current law that an applicant for licensure as a licensed alcohol and drug counselor must complete 4,000 hours of practice in alcohol and drug counseling if the applicant possesses an associate or bachelor's degree from an approved program or must complete 2,000 hours of practice in alcohol and drug counseling if the applicant possesses a master's degree from an approved program. The amendment creates exceptions reducing the clinical practice hour requirements for applicants who complete a specified number of credit hours in addiction counseling course work in the course of obtaining a bachelor's degree or master's degree from an approved program.

Enacted Law Summary

Public Law 2017, chapter 265 makes the following changes to the laws and rules regulating alcohol and drug counselors.

1. It requires reimbursement under the MaineCare program for the services of a licensed clinical professional counselor at the same rate as a licensed clinical social worker.
2. It creates a public records exception under the Freedom of Access Act to protect the confidentiality of the home addresses of all individuals licensed or certified by the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors.
3. It retains the requirement in current law that an applicant for licensure as a licensed alcohol and drug counselor complete 4,000 hours of practice in alcohol and drug counseling if the applicant possesses an associate or bachelor's degree or 2,000 hours of practice in alcohol and drug counseling if the applicant possesses a master's degree, but creates exceptions reducing the clinical practice hour requirements for applicants who complete a specified number of credit hours in addiction counseling course work in the course of obtaining the bachelor's degree or master's degree from an approved program.
4. It directs the board to reduce continuing education requirements and maximize use of distance learning for licensed and certified alcohol and drug counselors.

LD 1377 An Act To Prohibit Posing as a Governmental Entity in Commerce

PUBLIC 228

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M WHITTEMORE R	OTP-AM	H-324

This bill makes an untrue representation by a person that the person is an official, agent or representative of a governmental entity in the advertisement, offer, sale or distribution of goods or services or that the goods or services are from or approved, authorized or endorsed by a governmental entity a violation of the Maine Unfair Trade Practices Act. The bill also provides that it is a violation of that Act for a person who is not an official, agent or representative of a governmental entity to simulate a summons, complaint, jury notice, tax form or other judicial or administrative process. The bill also requires a notice be placed on every offer of the sale of a governmental document that can be obtained from the applicable governmental entity for free or at a lesser charge informing the consumer and providing the contact information of the governmental entity.

Committee Amendment "A" (H-324)

This amendment replaces the requirement in the bill that a specifically worded notice be displayed on every offer of the sale of a governmental document that can be obtained from the applicable governmental entity for free or at a lesser charge with a more general notice requirement.

Enacted Law Summary

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

Public Law 2017, chapter 228 makes the following activities by a person who is not an official, agent or representative of a governmental entity a violation of the Maine Unfair Trade Practices Act:

1. Making an untrue representation that the person is an official, agent or representative of a governmental entity in the advertisement, offer, sale or distribution of goods or services;
2. Simulating a summons, complaint, jury notice, tax form or other judicial or administrative process; or
3. Offering to sell a governmental document that can be obtained from the applicable governmental entity for free or at a lesser charge without informing the consumer of that free availability in a manner that is clearly visible to a consumer.

LD 1378 Resolve, Directing the State Workforce Investment Board To Create the Veto Sustained
Maine Family First Employer Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM	H-390

This bill creates the Maine Family First Employer Program under the Department of Labor to award employers that provide family-friendly workplaces that provide, for all full-time employees, advancement and leadership opportunities; the same pay rates for similar work; stipends or assistance for child care; paid leave for child birth or adoption and medical care for the employee or family member; flexible work accommodations for other important family obligations; and health insurance and retirement plan options. The awards are presented by the Governor and come with a logo that a designated employer may use for promotional purposes.

Committee Amendment "A" (H-390)

This amendment strikes the bill and replaces it with a resolve directing the State Workforce Investment Board to create the Maine Family First Employer Program to award businesses whose policies and practices address the unique needs of working families in the State with a Family First Employer designation.

LD 1392 An Act To Allow Municipalities To Opt Not To Enforce the Maine Accepted Majority
Uniform Building and Energy Code (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E	ONTP OTP-AM	

This bill requires a municipality that has more than 4,000 residents to adopt and enforce one of the following: the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.

Committee Amendment "A" (H-211)

This amendment, which is the minority report of the committee, replaces the bill and changes the title. The amendment allows a municipality that has more than 4,000 residents to affirmatively opt out of the Maine Uniform Energy Code by adopting the Maine Uniform Building Code.

This amendment was not adopted.