

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**

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STATE OF MAINE

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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.

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substances;

B. Employment or training as a theatrical actor or a film actor;

C. The taking or catching of lobsters, fish or other marine organisms, as long as the work does not require direct contact with hazardous machinery or hazardous substances; and

D. At a business that is solely owned by the minor's parent, as long as the work does not require direct contact with hazardous machinery or hazardous substances.

6. It allows the parent or legal guardian of a minor under 16 years of age to sign a work permit for the minor and removes school superintendents from the work permit process. It requires copies of the minor's signed permit and proof of age to be kept at the minor's place of employment. It authorizes the Department of Labor, Bureau of Labor Standards to revoke a work permit.

7. It maintains the authority of the bureau to revoke work permits if state or federal law has been violated.

8. It repeals obsolete language dealing with triplicate permits and a master permit system.

LD 1443 An Act To Update Professional and Occupational Licensing Laws

PUBLIC 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM	S-216

This bill makes the following changes to professional and occupational licensing laws.

1. It updates technical terminology in the laws governing warranties applicable to the manufacture and sale of manufactured homes; exempts up to two modular homes built by students annually in each secondary or post-secondary educational program from the jurisdiction of the Manufactured Housing Board; changes the terms “mobile home” and “mobile home park” to the terms “manufactured home” and “manufactured housing community”; clarifies the type of manufactured home that a licensed mechanic may service and a licensed installer may install; clarifies that a license is required to manufacture, broker, distribute, sell, install or service manufactured housing in Maine, regardless of the destination of the housing; and makes other technical changes to the laws governing manufactured housing.

2. It removes a residency requirement for licensed funeral practitioners and other licensees of the Board of Funeral Service and clarifies the requirements for a practitioner trainee to receive credit toward licensure through the Maine Apprenticeship Program.

3. It repeals the provisions for licensure of companies by the Plumbers' Examining Board; creates an exemption from plumbing licensure for pump installers who are licensed by the Department of Health and Human Services, Maine Water Well Commission; clarifies that the board may discipline licensees for violation of rules adopted by the board and a municipality may penalize licensees who violate municipal ordinances; eliminates the requirement that an individual apply for a trainee license within ten business days of commencing work as a trainee plumber; and allows candidates for plumbing licensing examinations to retake the examination without paying a reexamination fee and to take the examination more than once time per year, regardless of the score received on the examination.

4. It repeals a transition provision added to the laws governing licensure of social workers in 1987, which is no longer relevant.

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5. In the laws governing the Real Estate Commission, it authorizes the commission to deny or refuse to renew a license if the applicant had a professional or occupational license suspended or revoked for disciplinary reasons at any time in the past, not just in the past three years as in current law; it requires the designated broker of a brokerage agency to notify the commission when a licensee leaves the agency, but eliminates the requirement that the designated broker to return the license to the commission; clarifies that a designated broker may delegate functions only to an individual affiliated with the agency; authorizes nonresidents to apply for licensure if they hold licenses in any other jurisdiction, not just in their places of legal residence; and removes references to the obsolete term "branch office manager."
6. It removes provisions that require individuals to submit a photograph with an application for licensure as a transient seller as well as the dates of birth and social security numbers of their employees.
7. It makes technical corrections to the laws governing licensure of boiler and pressure vessel operators, including by repealing a reference to an examination committee that no longer exists.
8. It requires that secondary and post-secondary oil burner and solid fuel technician courses be approved by the Maine Fuel Board; allows propane and natural gas technicians to obtain more than one type of specialty authority; requires all applicants for propane and natural gas technician licenses to pass an examination approved by the board; and removes the term "limited" from certain license categories including energy auditors, tank installers and wood pellet technicians.
9. It restores language that was inadvertently omitted from a comprehensive revision of the laws governing dental practice enacted in the Second Regular Session of the 127th Legislature authorizing the Board of Dental Practice to file a complaint in District Court for suspension or revocation of a license.

Committee Amendment "A" (S-216)

In addition to making several technical changes to the language of the bill, this amendment:

1. Expands the exemption from the laws governing the Manufactured Housing Board for student-built modular homes to education programs that build more than two modular homes annually in accordance with board rules;
2. Clarifies that a practitioner trainee licensed by the State Board of Funeral Service must register with the Department of Labor's Maine Apprenticeship Program; and
3. Clarifies that a trainee plumber licensed by the Plumbers' Examining Board may work under the direct supervision of more than one licensed journeyman or master plumber and may be employed by either a master plumber or an entity that also employs at least one licensed master plumber.

Enacted Law Summary

Public Law 2017, chapter 210 makes the following changes to professional and occupational licensing laws.

1. It updates technical terminology in the laws governing warranties applicable to the manufacture and sale of manufactured homes; exempts modular homes built by students in secondary or post-secondary educational programs in accordance with rules adopted by the Manufactured Housing Board from the definition of "manufactured housing"; where appropriate, changes the terms "mobile home" and "mobile home park" to the terms "manufactured home" and "manufactured housing community"; clarifies the type of manufactured home that a licensed mechanic may service and a licensed installer may install; clarifies that a license is required to manufacture, broker, distribute, sell, install or service manufactured housing in Maine, regardless of the destination of the housing; and makes other technical changes to the laws governing manufactured housing.
2. It removes a residency requirement for licensed funeral practitioners and other licensees of the Board of Funeral

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Service and clarifies the requirements for a practitioner trainee to receive credit toward licensure through the Maine Apprenticeship Program.

3. It repeals the provisions for licensure of companies by the Plumbers' Examining Board; clarifies that a trainee plumber licensed by the board may work under the direct supervision of more than one licensed journeyman or master plumber and may be employed by either a master plumber or an entity that also employs at least one licensed master plumber; creates an exemption from plumbing licensure for pump installers who are licensed by the Department of Health and Human Services, Maine Water Well Commission; clarifies that the board may discipline licensees for violation of rules adopted by the board and a municipality may penalize licensees who violate municipal ordinances; eliminates the requirement that an individual apply for a trainee license within ten business days of commencing work as a trainee plumber; and allows candidates for plumbing licensing examinations to retake the examination without paying a reexamination fee and to take the examination more than once time per year, regardless of the score received on the examination.

4. It repeals a transition provision added to the laws governing licensure of social workers in 1987, which is no longer relevant.

5. In the laws governing the Real Estate Commission, it authorizes the commission to deny or refuse to renew a license if the applicant had a professional or occupational license suspended or revoked for disciplinary reasons at any time in the past, not just in the past three years as in current law; it requires the designated broker of a brokerage agency to notify the commission when a licensee leaves the agency, but eliminates the requirement that the designated broker to return the license to the commission; clarifies that a designated broker may delegate functions only to an individual affiliated with the agency; authorizes nonresidents to apply for licensure if they hold licenses in any other jurisdiction, not just in their places of legal residence; and removes references to the obsolete term "branch office manager."

6. It removes provisions that require individuals to submit a photograph with an application for licensure as a transient seller as well as the dates of birth and social security numbers of their employees.

7. It makes technical corrections to the laws governing licensure of boiler and pressure vessel operators, including by repealing a reference to an examination committee that no longer exists.

8. It requires that secondary and post-secondary oil burner and solid fuel technician courses be approved by the Maine Fuel Board; allows propane and natural gas technicians to obtain more than one type of specialty authority; requires all applicants for propane and natural gas technician licenses to pass an examination approved by the board; and removes the term "limited" from certain license categories including energy auditors, tank installers and wood pellet technicians.

9. It restores language that was inadvertently omitted from a comprehensive revision of the laws governing dental practice enacted in the Second Regular Session of the 127th Legislature authorizing the Board of Dental Practice to file a complaint in District Court for suspension or revocation of a license.

LD 1463 An Act To Amend the Laws Relating to Motor Vehicle Dealers

PUBLIC 217

Sponsor(s)
VOLK A
HERBIG E

Committee Report
OTP-AM

Amendments Adopted
S-267

This bill clarifies the standard of review in disputes between motor vehicle dealers and manufacturers regarding succession of motor vehicle dealerships and prohibits franchisors from denying dealer's incentive payment claims due to clerical errors or other technicalities, provided that the dealer corrects the clerical error or technicality. This