

STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,  
RESEARCH AND ECONOMIC DEVELOPMENT**

May 2016

**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/>

**MEMBERS:**

SEN. AMY F. VOLK, CHAIR  
SEN. ANDRE E. CUSHING III  
SEN. JOHN L. PATRICK  
  
REP. ERIN D. HERBIG, CHAIR  
REP. PAUL E. GILBERT  
REP. ANNE-MARIE MASTRACCIO  
REP. DILLON BATES  
REP. RYAN M. FECTEAU  
REP. LAWRENCE E. LOCKMAN  
REP. SUSAN M. W. AUSTIN  
REP. JOEL R. STETKIS  
REP. KARLETON S. WARD  
REP. JAMES J. CAMPBELL, SR.

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

**LD 249      An Act To Enable Seniors To Remain in Their Homes**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-10

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill establishes the Home Weatherization and Repair for Seniors Program in the Department of Economic and Community Development to assist low-income seniors in remaining in their homes. It also establishes the Home Weatherization and Repair for Seniors Fund and appropriates money to the fund. The department is required to disburse money from the fund to a statewide network that provides weatherization and home repair services, including but not limited to repairs to meet the standards of the federal Americans with Disabilities Act of 1990, to replace substandard fixtures and hardware and to reduce ongoing maintenance and heating costs, to low-income residents of the State.

**Committee Amendment "A" (S-10)**

This amendment incorporates a fiscal note.

**LD 429      An Act To Modify the Disbursement from the Maine Economic Improvement Fund**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D ALLEY R	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill changes the apportionment of the Maine Economic Improvement Fund. A minimum of 3% of this fund is currently apportioned among six institutions: the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias, the University of Maine at Presque Isle and the Maine Maritime Academy, to support applied research and development. This bill instead requires that a minimum of 2% of the fund be disbursed to the University of Maine at Machias to support applied marine research and development at that university's marine field station. A minimum of 1% of the fund is apportioned among the remaining five institutions.

**LD 674      An Act To Support Maine's Working Families**

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

This bill proposes to explore proactive strategies to raise wages in this State, improve working conditions, increase predictability of scheduling and improve the overall economic security of working people in this State.

**Committee Amendment "A" (H-589)**

This amendment is the minority report of the committee. This amendment is presented as a competing measure to Initiated Bill 4, LD 1661, "An Act To Raise the Minimum Wage." This amendment, which is the minority report, replaces the bill and makes changes to the minimum wage law, increasing the minimum wage to \$8.50 per hour starting January 1, 2017, \$9.00 per hour starting January 1, 2018, \$9.50 per hour starting January 1, 2019 and \$10.00 per hour starting January 1, 2020. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

**LD 690 An Act To Ensure the Safety of Home Birth**

**PUBLIC 502**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A HERBIG E	OTP-AM ONTP	S-484 S-514 HAMPER J

This bill was carried over from the First Regular Session of the 127th Legislature.

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

The purpose of this bill is to ensure the safety of women who choose to give birth at home or in freestanding birthing centers attended by certified professional midwives. This bill proposes to license and regulate certified professional midwives practicing in Maine. Among other things, the bill will establish:

1. Criteria for licensure and oversight;
2. A regulatory body including certified professional midwives, clients, certified nurse midwives and physicians to oversee complaint and disciplinary processes;
3. Procedures to allow other health care providers to consult with, collaborate with or accept transfer of care from a licensed certified professional midwife;
4. Procedures to allow for protected peer review for licensed certified professional midwives; and
5. Requirements for data collection and submission for quality improvement purposes.

**Committee Amendment "A" (S-484)**

This amendment is the majority report of the committee. This amendment replaces the bill, which is a concept draft, with changes to the makeup of the Board of Complementary Health Care Providers and a new licensing scheme, under the authority of that board, for two categories of individuals practicing midwifery in the State. Among other things, the amendment establishes:

1. Criteria for licensure and oversight of midwives;
2. Procedures to allow other health care providers to consult with, collaborate with or accept transfer of care from a licensed midwife;

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

3. Joint rulemaking between the Board of Complementary Health Care Providers and the Board of Licensure in Medicine for certain categories of rules pertaining to midwives until January 1, 2021;
4. Authority for midwives to order and interpret medical laboratory tests, obtain necessary medical equipment and supplies and administer certain classes of drugs;
5. Limitations on one category of licensed midwife from providing birth services when the person giving birth has certain medical conditions; and
6. Guidelines for data collection by midwives in the State and submission to the Board of Complementary Health Care Providers for quality improvement purposes.

The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-514)**

This amendment removes from the committee amendment provisions requiring transfers from the General Fund and the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2015, chapter 502 makes changes to the makeup of the Board of Complementary Health Care Providers and establishes a new licensing scheme, under the authority of that board, for two categories of individuals practicing midwifery in the State. Among other things, it provides:

1. Criteria for licensure and oversight of midwives;
2. Procedures to allow other health care providers to consult with, collaborate with or accept transfer of care from a licensed midwife;
3. Joint rulemaking between the Board of Complementary Health Care Providers and the Board of Licensure in Medicine for certain categories of rules pertaining to midwives until January 1, 2021;
4. Authority for midwives to order and interpret medical laboratory tests, obtain necessary medical equipment and supplies and administer certain classes of drugs;
5. Limitations on one category of licensed midwife from providing birth services when the person giving birth has certain medical conditions; and
6. Guidelines for data collection by midwives in the State and submission to the Board of Complementary Health Care Providers for quality improvement purposes.

### **LD 1062 An Act To Support Housing for Homeless Veterans**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J MCCORMICK E	OTP-AM	H-312

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill establishes the Homeless Veterans Housing Fund within the Maine State Housing Authority to provide

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

housing for homeless veterans and, for fiscal year 2015-16, directs the Treasurer of State to credit \$1,000,000 derived from the real estate transfer tax to the Homeless Veterans Housing Fund to support, with a three-to-one match by outside sources, the construction by the Volunteers of America of housing for homeless veterans on the grounds of the United States Department of Veterans Affairs medical center in the City of Augusta.

**Committee Amendment "A" (H-312)**

This amendment adds the following provisions to the bill.

1. It adds a provision to ensure that the housing provided by the Homeless Veterans Housing Fund will be constructed for homeless veterans and their immediate families.
2. It adds a provision to require that Volunteers of America enter into a service agreement with the United States Department of Veterans Affairs prior to construction that describes the resources and services both entities will provide to homeless veterans receiving housing funded by the fund.
3. It allows Volunteers of America to request funds from the fund, as long as the organization enters into a service agreement with each homeless veteran receiving housing funded by the fund that identifies the resources and services that will be provided to veterans by the United States Department of Veterans Affairs and by Volunteers of America.
4. It authorizes the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to conduct quarterly quality control site inspections of the housing constructed for homeless veterans on the grounds of the United States Department of Veterans Affairs medical center in the Town of Chelsea.
5. It adds an annual reporting requirement from Volunteers of America to the Bureau of Maine Veterans' Services and the joint standing committee of the Legislature having jurisdiction over veterans affairs.
6. It includes a provision requiring that Volunteers of America use utility services of the United States Department of Veterans Affairs.

This amendment also adds an appropriations and allocations section to the bill.

**LD 1137      An Act To Promote Workforce Development**

**PUBLIC 402  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM	S-360

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to improve reemployment opportunities for workers who are between jobs in several ways, including:

1. Adjusting orientation and training programs for unemployed workers to prepare those workers to take new jobs in the event their previous jobs may no longer exist due to the transformative nature of economic downturns;
2. Strengthening up-front assessment of worker skills, educational deficits and overall employability for purposes of shaping reemployment plans;

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

- 3. Enhancing the Department of Labor's enterprise option program through qualified use of other state programs designed to help innovative entrepreneurs establish businesses;
- 4. Formulating performance metrics for the unemployment compensation system that emphasize cycle times from job to job, measure the degree of wage restoration over time and assess the efficacy of the unemployment compensation system in placing workers in jobs; and
- 5. Requiring the Department of Labor to report regularly to the joint standing committee of the Legislature having jurisdiction over unemployment compensation matters on the effectiveness of these changes in helping unemployed workers become reemployed.

**Committee Amendment "A" (S-360)**

This amendment replaces the concept draft and changes the title. Current law requires the Commissioner of Labor to establish a limit on, or a formula to limit, funds expended on administrative and career counseling costs of the Competitive Skills Scholarship Program and caps such expenditures at \$550,000 annually. The amendment eliminates the cap and requires the Department of Labor to include the limit or formula and the amount spent for such costs in its annual report to the Legislature on the program. The amendment also allocates funds for two limited-period CareerCenter Consultant positions to support efforts to provide job training for qualified individuals under the Competitive Skills Scholarship Program.

**Enacted Law Summary**

Public Law 2015, chapter 402 eliminates the \$550,000 cap on funds from the Competitive Skills Scholarship Fund that may be expended on administrative and career counseling costs of the Competitive Skills Scholarship Program and instead requires the Commissioner of Labor to establish a limit on, or a formula to limit, expenditures of funds for these costs. The Department of Labor must include the limit or formula and the amount spent for such costs in its annual report to the Legislature on the program. This law also allocates funds for two limited-period CareerCenter Consultant positions to support efforts to provide job training for qualified individuals under the Competitive Skills Scholarship Program.

Public Law 2015, chapter 402 was enacted as an emergency measure effective March 20, 2016.

**LD 1240      An Act To Phase Out the Payment of Subminimum Wages to Workers with Disabilities      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R HERBIG E	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

Currently the State Government and Federal Government may issue special certificates permitting an employer to pay an individual with a physical or mental disability a wage less than the State's minimum wage based on the individual's ability to perform the duties required for that employment in comparison to the ability of a person who does not have a physical or mental disability to perform the same duties. This bill prohibits the issuance of such certificates. Existing special certificates authorizing payment of less than the minimum wage remain in effect until the earlier of their expiration date and November 1, 2018. After the expiration of a previously issued certificate, an individual who was covered by such certificate may apply to the Director of the Bureau of Labor Standards within the Department of Labor for a special work permit authorizing the payment of wages at less than the minimum wage rate by a certain employer.

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

**LD 1300    An Act To Create and Sustain Jobs through Development of Cooperatives**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHAPMAN R LANGLEY B	OTP-AM ONTP	H-396

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill supports employee-owned businesses and cooperatives in the following ways.

1. It requires the Treasurer of State to place 1% of deposited state funds in institutions devoted to meeting the borrowing needs of cooperatives.
2. It creates the Employee Ownership Program and Employee Ownership Program Administrator under the Department of Economic and Community Development, Maine Small Business and Entrepreneurship Commission to promote employee ownership of businesses.
3. It requires the Commissioner of Economic and Community Development to give preference in Department of Economic and Community Development programs to cooperatives or businesses seeking to convert to cooperatives.
4. It requires the Commissioner of Agriculture, Conservation and Forestry to give preference in Department of Agriculture, Conservation and Forestry marketing and advertising programs to cooperatives or businesses seeking to convert to cooperatives.
5. It requires that employee-owned businesses or businesses seeking to become employee-owned be given priority in the Small Enterprise Growth Program.
6. It requires the Finance Authority of Maine to give preference in authority programs to organizations that are employee-owned or cooperatives or organizations seeking to become employee-owned or cooperatives.
7. It creates the Cooperative Development Grants Program.
8. It subtracts from the Maine income tax the amount of gain recognized by a business owner in transferring the business to an employee stock ownership plan or eligible worker-owner cooperative.
9. It requires the Department of Agriculture, Conservation and Forestry, the Department of Economic and Community Development, the Department of Labor, the Finance Authority of Maine and the University of Maine System to identify and make best efforts to pursue federal sources of funding for development of cooperatives and to cooperate with the Employee Ownership Program Administrator in pursuit of federal funding for development of cooperatives.

**Committee Amendment "A" (H-396)**

This amendment is the majority report of the committee. It replaces the bill and does the following to support employee-owned businesses and cooperatives.

1. It permits the Treasurer of State to place 1% or more of deposited state funds in institutions that meet the borrowing needs of cooperatives.

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

2. It requires the Maine Small Business and Entrepreneurship Commission to ensure that the State's small business development centers receive training and provide information on employee ownership and cooperative development.
3. It requires the Commissioner of Economic and Community Development to ensure equal access to Department of Economic and Community Development programs for employee-owned businesses and cooperatives, as well as businesses seeking to convert to employee ownership or cooperative organization.
4. It requires the Commissioner of Agriculture, Conservation and Forestry to ensure equal access to Department of Agriculture, Conservation and Forestry programs for employee-owned businesses and cooperatives, as well as businesses seeking to convert to employee ownership or cooperative organization.
5. It creates the Cooperative Development Grants Program.
6. It modifies the exemption from registration for certain membership securities issued by cooperatives.
7. It subtracts from the Maine income tax the amount of gain recognized by a business owner in transferring the business to an employee stock ownership plan or eligible worker-owner cooperative.
8. It requires the Department of Agriculture, Conservation and Forestry, the Department of Economic and Community Development, the Department of Labor, the Finance Authority of Maine and the University of Maine System to identify and make best efforts to pursue federal sources of funding for advancement of employee ownership and development of cooperatives.
9. It requires the Maine Small Business and Entrepreneurship Commission to ensure, to the extent feasible, that each small business development center receives training on issues relating to employee ownership and cooperative development. It requires the commission to provide a report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on the commission's implementation of this provision.
10. It also adds an appropriations and allocations section.

**LD 1384     An Act To Improve Workplace Safety by Simplifying and Improving  
Employers' Substance Abuse Policy Requirements**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J	OTP-AM OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill makes the following changes to the laws governing employment practices concerning substance abuse testing.

1. It specifies that employers may establish policies or rules related to the possession or use of substances of abuse by employees and for employee impairment by substances of abuse at the workplace.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It authorizes an employer that has employees subject to a federally mandated substance abuse testing program to

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

extend its federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must maintain the privacy protections that Maine statute affords all other Maine employees.

4. Current law prohibits a single work-related accident from forming the basis of probable cause to believe that an employee may be under the influence of a substance of abuse. This bill amends the law to provide that a single work-related accident that results in injury or significant property damage may be probable cause to suspect an employee is under the influence of a substance of abuse.
5. It eliminates the current requirement that, prior to establishing a substance abuse testing program, an employer with over 20 full-time employees have a functioning employee assistance program.
6. It directs the Commissioner of Labor to develop model policy templates with adequate flexibility so as to facilitate the ability of the employers' substance abuse testing programs and policies to meet the requirements of the Maine Revised Statutes, Title 26, chapter 7, subchapter 3-A to develop new policies or update existing policies.
7. It expands the number of establishments that can undertake companywide random substance abuse testing from those with 50 or more employees to those with 10 or more employees.
8. The bill eliminates the requirement that employers share an employee's rehabilitation costs not covered by group health insurance and clarifies that rehabilitation costs not covered by a group health insurance program are the responsibility of the employee.
9. It specifies that testing at the point of collection of saliva or urine is permissible for both applicants for employment and for employees.

### **Committee Amendment "A" (H-624)**

This amendment is the majority report of the committee. It replaces the bill and makes changes to the substance abuse testing laws, including the following.

1. It requires an employer to adopt a uniform policy for substance abuse testing as developed by the Department of Labor.
2. It provides that all confirmed positive substance abuse tests may be reported to the employer only by a medical review officer, who may not be employed by the employer.
3. It allows an employee to provide a legitimate medical explanation for a positive test result for legally obtained medications, including medical marijuana, preventing the medical review officer from reporting a positive test for that substance to the employer.
4. It changes the definitions of "employer" and "employee" so that a temporary employee provided by an employment agency that is directly supervised by an employer must be treated the same as a regular employee of that employer for purposes of substance abuse testing laws.
5. It allows testing laboratories to use alternate federal substance abuse testing standards.
6. Under current law, an employer must provide an employee who receives an initial confirmed positive result from a substance abuse test with an opportunity to participate in a rehabilitation program before discharging or disciplining the employee. This amendment reduces the timeframe for completing such a rehabilitation program from six months to 12 weeks.

### **Committee Amendment "B" (H-625)**

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

This amendment is the minority report of the committee. It replaces the bill and makes changes to the laws governing employment practices concerning substance abuse testing, including the following.

1. It replaces the phrase "substance abuse test" and "substance abuse testing" with "substance use test" and "substance use testing" to reflect more modern terminology.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It authorizes an employer that has employees subject to a federally mandated substance use testing program to extend federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must prepare a substance use testing plan for employees who are not federally regulated, provide a copy of the plan to the employees and the Department of Labor before testing, follow federal notification and procedural protocols for such employees and annually report the results of testing to the department.
4. It streamlines the current drug testing policy approval by requiring the Department of Labor to develop a uniform impairment and substance use testing policy applicable to all employers. Employers must notify, and be approved by, the Department of Labor prior to conducting substance use testing.
5. It removes the "probable cause" standard and replaces it with an "impairment detection" standard required before the employer may conduct substance use testing. For employers authorized to conduct substance use testing, only an employer or employee approved for impairment detection by the Department of Labor or a medical person may make an impairment detection. Among other things, this detection may be based on a single work-related accident, unlike the "probable cause" standard under current law. The employer may immediately remove the employee from the workplace pending resolution of the impairment detection.
6. It adds an "impairment determination" process that may be used as an alternative or in addition to a substance use test. Under this process, an occupational health care provider conducts a medical review in order to confirm the impairment detection, which may include a substance use test that includes testing for prescription drugs. If the impairment is confirmed, the employer may take employment action including firing or disciplining the employee, subject to any limitations under the Maine Human Rights Act and any other state or federal law. If the occupational health care provider finds that the employee was not impaired or that such impairment did not pose a safety risk, the employee is entitled to full reinstatement of the employee's position.
7. It adds a violation of an established drug-free workplace policy as grounds for employment action.
8. It adds a first impairment determination to the requirement, applicable to an initial confirmed positive substance use test, that the employer must provide the employee with an opportunity to participate in a treatment program before discharging or disciplining the employee. The time frame for completing the treatment program is reduced from six months to 12 weeks, and an employer with between 20 and 50 full-time employees is no longer required to pay half of the costs of the treatment program. An employer with more than 50 full-time employees must pay half of treatment costs not covered by a group health insurance plan when the treatment program is required of the employee.
9. It modifies the current requirement that, prior to establishing a substance use testing program, an employer with over 20 full-time employees have a functioning employee assistance program, instead requiring employers with over 50 full-time employees to have such a program.
10. It expands the number of establishments that may undertake company-wide random substance abuse testing by authorizing such testing by companies with 10 or more employees. Current law only permits such testing by companies with 50 or more employees.

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

11. It provides that confirmed positive substance use tests may be reported to the employee only by a medical review officer and allows an employee to provide a legitimate medical explanation for a positive test result for legally obtained medications, preventing the medical review officer from reporting a positive test for that substance to the employer.

12. It allows testing laboratories to use federal testing standards to encourage testing of biological samples beyond urine and blood.

13. It adds a new civil violation for any employer noncompliance with the substance use testing laws, for which a fine of not more than \$500 for the first violation, \$750 for the second violation and \$1,000 for third and subsequent violations may be adjudged.

This amendment was not adopted.

**LD 1389      An Act To Conform Maine Law to Federal Law Regarding Closings and  
Mass Layoffs and To Strengthen Employee Severance Pay Protections**

**PUBLIC 417**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-409

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill clarifies and strengthens the laws governing severance pay. It adds definitions for "closing," "mass layoff," "part-time employee," "employment loss" and "gross earnings." It provides that ambiguous language of an employer regarding the duration and nature of an employment loss may not be construed to prevent potential liability for payment of severance.

The bill changes the circumstances that mitigate liability for severance pay by adding the closing of a covered establishment that is necessitated by the final order of a federal, state or local government agency, including an adjudication of bankruptcy. It amends the laws governing advance notice of a closing so they conform to the federal Worker Adjustment and Retraining Notification Act, also known as the WARN Act, 29 United States Code, Sections 2101 to 2109 (2014) and changes the designation of rules from major substantive to routine technical.

**Committee Amendment "A" (S-409)**

This amendment makes a number of changes to the bill, including the following.

1. It adds a mass layoff as a condition triggering severance pay liability, and changes the new definition of "mass layoff" to encompass a six-month period as opposed to the 30-day period in the bill.
2. It defines "eligible employee" for purposes of severance pay eligibility, and expands eligibility to employees who have voluntarily quit employment with a covered establishment within a 30-day period prior to the date set in a notice of a mass layoff or closing provided by the employer under state or federal law.
3. It requires the severance pay calculation for an employee to include partial years worked by an employee and to include any weeks that the employee received gross earnings, as opposed to having worked, in the 12 months prior to an establishment closing or instituting a mass layoff.
4. It eliminates the exemption from severance pay and notice requirements when a closing or mass layoff is due to an adjudication of bankruptcy and clarifies the bill's elimination of the exemption from severance pay for an establishment that files for bankruptcy protection.

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

5. It changes the notification requirements in the bill to include when an establishment relocates, consistent with current law.

### **Enacted Law Summary**

Public Law 2015, chapter 417 makes several changes to clarify and strengthen the laws governing severance pay and the notification requirements regarding changes in certain businesses operations, including the following.

1. It adds a "mass layoff" as a condition triggering employer severance pay liability and notice requirements and defines the term to mirror the definition in the federal Workers Adjustment and Retraining Notification Act, also known as the WARN Act, 29 U.S.C. sections 2101 to 2109 (2014).
2. It defines "eligible employee" for purposes of severance pay eligibility and expands eligibility to employees who have voluntarily quit employment with a covered establishment within a 30-day period prior to the date set in a notice of a mass layoff or closing provided by the employer under state or federal law.
3. It requires the severance pay calculation for an employee to include partial years worked by an employee and to include any weeks that the employee received gross earnings, as opposed to having worked, in the 12 months prior to an establishment closing or instituting a mass layoff.
4. It eliminates the current exemption from severance pay liability for an employer that has filed for bankruptcy.
5. It changes the circumstances that mitigate liability for severance pay by adding the closing of, or mass layoff at, a covered establishment that is necessitated by the final order of a federal, state or local government agency.
6. It changes the designation of rules regarding severance pay and employer notifications of closings, relocations and mass layoffs from major substantive to routine technical.

### **LD 1471      **Resolve, To Facilitate the Distribution of Food Harvested in Maine to Residents with Food Insecurity****

**RESOLVE 81**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M HICKMAN C	OTP-AM	S-373

This resolve directs the Finance Authority of Maine to contract with a statewide entity to purchase, process, store and transport agricultural products and seafood harvested in the State to provide access to those agricultural products and seafood to residents of the State with food insecurity. The resolve requires the authority to select the entity through a request for proposal process and to require the selected entity to submit an annual report to the joint committee of the legislature having jurisdiction over agriculture, conservation and forestry matters regarding the selected entity's progress toward and the additional efforts needed to achieve the purpose of providing food to residents of the State with food insecurity. The initiative is funded using \$3,000,000 transferred on a one-time basis from the Fund for a Healthy Maine. The resolve specifies that the authority is responsible for administering the funds and may retain a portion of the funds for the reasonable administrative costs incurred by the authority.

#### **Committee Amendment "A" (S-373)**

This amendment makes the following changes to the resolve.

1. It changes the title of the resolve to clarify the program's focus on food harvested in Maine.
2. It specifies that both fresh and fresh frozen fruits, vegetables and seafood harvested in Maine may be provided through the program.

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

3. It requires the authority to consult with experts in the areas of agriculture, food security, and public health when selecting the entity to implement the program and to ensure that the selected entity adheres to all local, state and federal food safety regulations.

4. It directs the authority to administer the program only until the funds are finally disbursed.

5. It requires the selected entity to report to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry matters and over health and human services matters by December 1st of 2016, 2017 and 2018.

**Enacted Law Summary**

Resolve 2015, chapter 81 directs the Finance Authority of Maine to contract with a statewide entity to purchase, process, store and transport fresh and fresh frozen fruits, vegetables and seafood harvested in the State to increase access to those products for residents of the State with food insecurity. The authority must consult with experts in the areas of agriculture, food security, and public health when selecting the entity through a request for proposal process. The selected entity must adhere to all local, state and federal food safety regulations and report to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry matters and over health and human services matters by December first of 2016, 2017 and 2018. This initiative is funded using \$3,000,000 transferred on a one-time basis from the Fund for a Healthy Maine. The resolve specifies that the authority is responsible for administering the funds until they are finally disbursed and may retain a portion of the funds for the reasonable administrative costs incurred by the authority.

**LD 1474      An Act To Provide for the 2016 and 2017 Allocations of the State Ceiling on Private Activity Bonds**

**P & S 13  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A HERBIG E	OTP-AM	S-348

This bill allocates the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2016 and 2017 among the state-level issuers of tax-exempt bonds in accordance with Title 10, section 363 of the Maine Revised Statutes.

**Committee Amendment "A" (S-348)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2015, chapter 13 allocates the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2016 and 2017 among the state-level issuers of tax-exempt bonds in accordance with Title 10, section 363 of the Maine Revised Statutes.

Private and Special Law 2015, chapter 13 was enacted as an emergency measure effective February 17, 2016.

**LD 1480      An Act To Create and Sustain High-quality Maine Jobs**

**PUBLIC 415**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY S GIDEON S	OTP-AM	S-363

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

This bill creates the Maine Capital Investment Program within the Finance Authority of Maine to provide loans or bond funding to eligible business development projects that have projected costs of at least \$50,000,000 or are projected to result in the creation or retention of at least 250 full-time employment positions that pay at least 125% of the state annual average weekly wage.

Under this program, the authority may issue a direct loan of up to \$50,000,000 or bond funding of up to \$200,000,000 to each eligible business development project. To qualify for a direct loan, the business development project must first secure a match equal to 25% of the loan amount from another funding source. As a way of replenishing the fund, award recipients must re-invest an amount equal to 10% of the award into the fund within five years after completion of the project.

The bill takes effect only after the authority receives funds for the program in the amount of at least \$250,000,000. Investments in the program qualify for the seed capital investment tax credit under Title 36, section 5216-B.

### **Committee Amendment "A" (S-363)**

This amendment makes the following changes to the bill.

1. It clarifies that the Finance Authority of Maine is authorized, not required, to establish the Maine Capital Investment Program and reduces the amount of funding the authority must receive before the bill takes effect from \$250,000,000 to \$50,000,000.
2. It eliminates seed capital investment tax credit eligibility for investments in the fund.
3. It authorizes the authority to issue bonds for the purpose of funding eligible business development projects and specifies that such bonds are not general obligation bonds of the authority, the State or any agency or political subdivision of the State.
4. It requires each recipient of financial support under the program to submit a report to the authority five years after completion of the business development project describing the project and the number of jobs created or retained through the project.
4. It requires the authority to submit an annual report to the joint standing committee of the Legislature having jurisdiction over economic development matters regarding the projects that have received financial support and the administration of the program. The committee may request an independent evaluation of the program by the Office of Program Evaluation and Government Accountability.

### **Enacted Law Summary**

Public Law 2015, chapter 415 authorizes the Finance Authority of Maine to create the Maine Capital Investment Program to provide loans and bond funding to eligible business development projects that have projected costs of at least \$50,000,000 or that are projected to result in the creation or retention of at least 250 full-time employment positions that pay at least 125% of the state annual average weekly wage.

Under this program, the authority may issue a direct loan of up to \$50,000,000 or bond funding of up to \$200,000,000 to each eligible business development project. To qualify for a direct loan, the business development project must first secure a match equal to 25% of the loan amount from another funding source. Bonds issued by the authority for the purpose of funding eligible business development projects are not general obligation bonds of the authority, the State or any agency or political subdivision of the State. As a way of replenishing the fund, award recipients must re-invest an amount equal to 10% of the award into the fund within five years after completion of the project.

Each recipient of financial support under the program must submit a report to the authority five years after completion of the business development project describing the project and the number of jobs created or retained

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

through the project. The authority must submit an annual report to the joint standing committee of the Legislature having jurisdiction over economic development matters regarding the projects that have received financial support and the administration of the program. The committee may request an independent evaluation of the program by the Office of Program Evaluation and Government Accountability.

The bill takes effect only after the authority receives funds for the program in the amount of at least \$50,000,000.

**LD 1501      An Act To Amend the Law Regarding Disqualification for Unemployment Benefits during Stoppages of Work      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J CUSHING A	ONTP OTP-AM	

This bill removes the provision of law affecting the disqualification for unemployment benefits of employees at an establishment at which there is a labor dispute and at which there would have been a work stoppage but for the employer's maintaining substantially normal operations through the use of other personnel.

**Committee Amendment "A" (H-533)**

This amendment is the minority report of the committee. This amendment changes the bill by broadening the disqualification from unemployment benefits in current law for unemployment that is due to a stoppage of work caused by a labor dispute by eliminating the requirement that there is a stoppage of work. Instead, under the amendment, unemployment that is due to a labor dispute is sufficient grounds for a denial of benefits. The amendment also updates the language of the exceptions in current law to this disqualification to reflect the elimination of the stoppage of work requirement.

**LD 1514      An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H BURNS D	OTP-AM OTP-AM	H-593 S-524 BURNS D

This bill amends the professional licensing laws governing dental hygiene therapists in several ways.

1. It specifies that an applicant for a dental hygiene therapy license must possess a Bachelor of Science degree or higher from a dental hygiene therapy program that is accredited by either the American Dental Association Commission on Dental Accreditation or a successor organization or that meets the requirements for a dental hygiene therapy education program adopted by the Board of Dental Examiners.
2. It eliminates requirements that dental hygiene therapy education programs be a minimum of four semesters in duration, be consistent with a specified model curriculum and be consistent with programs in other states.
3. It eliminates the requirement that an applicant for a dental hygiene therapy license hold an associate degree in dental hygiene before entering a dental therapy education program.
4. It provides for licensure by endorsement of a dental hygiene therapist who graduates from a dental hygiene therapy education program, is licensed to practice as a dental hygiene therapist in another state and engages in active clinical practice for at least three years prior to applying for a license in this State.

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

5. It removes the requirement that a dental hygiene therapist practice under the direct supervision of a dentist.

**Committee Amendment "A" (H-593)**

This amendment is the majority report of the committee. It changes the terms "dental hygiene therapist" and "dental hygiene therapy" to "dental therapist" and "dental therapy", respectively, throughout the Maine Revised Statutes. It reorganizes the dental therapist education and examination requirements and corrects a cross-reference in the provisional dental therapy license section of the bill. It eliminates the provision of the bill allowing licensure of dental therapists by endorsement. It requires an applicant for a dental therapy license to have previously engaged in not only 2,000 hours of supervised clinical practice but also at least two years of supervised clinical practice. It clarifies that a dental therapist must practice under the general supervision of a dentist licensed in the State and limits to five the number of dental therapists that a single dentist may supervise.

**Committee Amendment "B" (H-594)**

This amendment is the minority report of the committee. It changes the terms "dental hygiene therapist" and "dental hygiene therapy" to "dental therapist" and "dental therapy", respectively, throughout the Maine Revised Statutes. It reorganizes the dental therapist education and examination requirements and corrects a cross-reference in the provisional dental therapy license section of the bill. It eliminates the provision of the bill allowing licensure of dental therapists by endorsement. It requires dental therapists to practice under the direct supervision of a dentist licensed in the State and limits to five the number of dental therapists that a single dentist may supervise.

This amendment was not adopted.

**House Amendment "A" To Committee Amendment "A" (H-654)**

This amendment, which is identical in substance to the majority report of the committee, corrects conflicts created by the enactment of Public Law 2015, chapter 429, which repealed and replaced the laws governing dental professionals.

This amendment was not adopted.

**Senate Amendment "A" To Committee Amendment "A" (S-524)**

This amendment incorporates the substantive provisions of Committee Amendment "A" with corrected citations to reflect enactment of Public Law 2015, chapter 429, which repealed and replaced the laws governing dental professionals. This amendment makes the following additional changes to the substance of Committee Amendment "A".

1. It requires an applicant for authority to practice as a dental therapist to possess a master's degree in a dental therapy education program that is accredited by either the Board of Dental Practice or the American Dental Association Commission on Dental Accreditation or a successor organization or that meets the requirements for a dental therapy education program adopted by the Board of Dental Practice.

2. It increases the number of hours of supervised clinical practice that an applicant for dental therapist authority must complete from 2,000 to 2,500 but removes the requirement that the applicant have engaged in at least two years of supervised clinical practice.

**LD 1538 An Act To Amend the Quorum Requirements That Apply to the Citizen Trade Policy Commission**

**PUBLIC 400**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

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

This bill changes the minimum number of Citizen Trade Policy Commission members necessary to hold a meeting from 11 to nine and the minimum number of commission members necessary for purposes of voting from nine to seven.

### **Enacted Law Summary**

Public Law 2015, chapter 400 changes the minimum number of members of the Citizen Trade Policy Commission necessary to hold a meeting from 11 to nine and the minimum number of commission members necessary for purposes of voting from nine to seven.

### **LD 1549      An Act To Amend the Laws Governing Oversight of and Responsibility      PUBLIC 412 for the Kim Wallace Adaptive Equipment Loan Program Fund**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON M KATZ R	OTP-AM	H-536

This bill changes the entity with whom funds from the Kim Wallace Adaptive Equipment Loan Program must be deposited from the Finance Authority of Maine to the Treasurer of State. The bill also eliminates the Kim Wallace Adaptive Equipment Loan Program Board and authorizes the Treasurer of State to select a program administrator both to administer the program and to decide whether to approve applications for loan funds. The bill authorizes the Treasurer of State to select a new program administrator through an RFP process if loan performance is poor. The bill permits, but does not require, the program administrator to establish an advisory board and to select board members, of whom a majority must be Maine citizens with disabilities.

### **Committee Amendment "A" (H-536)**

This amendment replaces the bill. It authorizes the Kim Wallace Adaptive Equipment Loan Program Fund Board to contract with appropriate entities, including a financial services provider, for assistance in administering the program. The board or financial services provider, if one has been selected, may approve or deny a loan application based on its determination whether the application meets the purposes of the fund and satisfies the underwriting guidelines approved by the board. Individuals whose applications are denied by the financial services provider may appeal to the board for reconsideration.

### **Enacted Law Summary**

Public Law 2015, chapter 412 authorizes the Kim Wallace Adaptive Equipment Loan Program Fund Board to contract with appropriate entities, including a financial services provider, for assistance in administering the program. The board or financial services provider, if one has been selected, may approve or deny a loan application based on a determination whether the application meets the purposes of the fund and satisfies the underwriting guidelines approved by the board. Individuals whose applications are denied by the financial services provider may appeal to the board for reconsideration.

### **LD 1553      An Act To Improve the Workers' Compensation System      PUBLIC 469**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-399

This bill makes the following changes to the Maine Workers' Compensation Act of 1992.

1. It transfers the predetermination of independent contractor status process to the Department of Professional and

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

Financial Regulation, Bureau of Insurance.

2. It establishes that rebuttable presumptions granted as a result of a request for a predetermination are admissible only in proceedings arising under the Maine Revised Statutes, Title 24-A. Conclusive predeterminations received by landowners continue to be admissible in proceedings under the Maine Workers' Compensation Act of 1992.
3. It modifies the law after the Law Court's decision in *Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al.*, 2015 ME 99 and ensures employers that misclassify employees as independent contractors are subject to penalties under the Maine Workers' Compensation Act of 1992.
4. It increases the Workers' Compensation Board's assessment cap by \$1.8 million starting in fiscal year 2016-17.
5. It establishes that appeals to the Law Court from the Workers' Compensation Board are from decisions of the Workers' Compensation Board's Appellate Division and not an individual administrative law judge.

### **Committee Amendment "A" (S-399)**

This amendment changes the bill by eliminating the sections affecting independent contractor predeterminations. The amendment instead requires the Workers' Compensation Board to study the current system for independent contractor predeterminations and report any recommended legislation to the joint standing committee of the Legislature having jurisdiction over labor matters.

It replaces the provision in the bill intended to modify the law after the Law Court's decision in *Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al.*, 2015 ME 99 with a similar provision that deems employer misclassification of employees as a failure to secure workers' compensation payment, making it applicable to all employers, as opposed to only construction contractors, and limiting penalties to only those provided under Title 39-A, section 324, subsection 3.

The amendment also requires the Workers' Compensation Board to consider an employer's efforts to comply with the coverage requirements of the Maine Workers' Compensation Act of 1992 when imposing a monetary penalty, establishes that criminal prosecution may be pursued only if the employer has committed a knowing violation and establishes that revocation of authority to operate pursuant to the Maine Revised Statutes, Title 39-A, section 324, subsection 3, paragraph C may be pursued only if the employer has committed a knowing violation, has failed to pay a penalty assessed pursuant to that subsection or continues to operate without required workers' compensation insurance coverage after a penalty has been assessed pursuant to that subsection. Additionally, the amendment delays the increase to the Workers' Compensation Board assessment cap from fiscal year 2016-17 to fiscal year 2017-18.

### **Enacted Law Summary**

Public Law 2015, chapter 469 makes the following changes to the Maine Workers' Compensation Act of 1992.

1. It modifies the law after the Law Court's decision in *Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al.*, 2015 ME 99 to clarify that employers who misclassify employees as independent contractors are subject to penalties for failure to secure workers' compensation payment under the Maine Workers' Compensation Act of 1992.
2. It increases the Workers' Compensation Board's assessment cap by \$1.8 million starting in fiscal year 2017-18.
3. It establishes that appeals to the Law Court from the Workers' Compensation Board are from decisions of the Workers' Compensation Board's Appellate Division and not an individual administrative law judge.
4. It requires the Workers' Compensation Board to consider an employer's efforts to comply with the coverage requirements of the Maine Workers' Compensation Act of 1992 when imposing a monetary penalty, establishes that

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

criminal prosecution may be pursued only if the employer has committed a knowing violation and establishes that revocation of authority to operate pursuant to the Maine Revised Statutes, Title 39-A, section 324, subsection 3, paragraph C may be pursued only if the employer has committed a knowing violation, has failed to pay a penalty assessed pursuant to that subsection or continues to operate without required workers' compensation insurance coverage after a penalty has been assessed pursuant to that subsection.

5. It requires the Workers' Compensation Board to study the current system for independent contractor predeterminations and report any recommended legislation to the joint standing committee of the Legislature having jurisdiction over labor matters. The committee will have authority to report out a bill relating to the report to the First Regular Session of the 128th Legislature.

**LD 1559 An Act To Encourage Roller Derby**

**PUBLIC 454**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL D	OTP	

This bill amends the Roller-skating Safety Act by creating an exception to the law prohibiting skaters at roller-skating rinks from colliding with objects and other skaters. The exception applies to skaters taking part in an organized team sport during practice, scrimmage, games, clinics or an officially sanctioned skating or roller derby event.

**Enacted Law Summary**

Public Law 2015, chapter 454 amends the Roller-skating Safety Act by creating an exception to the law prohibiting skaters at roller-skating rinks from colliding with objects and other skaters. The exception applies to skaters taking part in an organized team sport during practice, scrimmage, games, clinics or an officially sanctioned skating or roller derby event.

**LD 1591 An Act To Amend the Maine Veterinary Practice Act**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J BLACK R	ONTP	

This bill amends the Maine Veterinary Practice Act by creating an exception to the requirement that a veterinarian be engaged in a veterinarian-client-patient relationship when practicing veterinary medicine. This exception allows a veterinarian to administer a vaccination against rabies, distemper, parvovirus, rhinotracheitis or panleukopenia at a vaccination clinic if the pet owner signs an informed consent waiver explaining the potential adverse events that may result from vaccination and that a vaccination is not a substitute for a complete physical examination.

**LD 1596 An Act To Revise the Laws Regarding Dental Practices**

**PUBLIC 429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H	OTP-AM	H-621

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

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

This bill proposes to recodify Title 32, chapter 16 of the Maine Revised Statutes, which governs the practice of dentistry by dentists, expanded function dental assistants, independent practice dental hygienists, dental hygiene therapists, dental hygienists, dental auxiliaries, denturists and dental radiographers.

### **Committee Amendment "A" (H-621)**

This amendment replaces the bill, which is a concept draft. The amendment repeals Title 32, chapter 16 of the Maine Revised States, which governs the practice of dentistry by dentists and dental auxiliaries and creates a new Dental Practice Act located in Title 32, chapter 143 of the Maine Revised Statutes. The amendment also makes necessary corrections to cross-references scattered throughout the Maine Revised Statutes. The new Dental Practice Act:

1. Changes the name of the Board of Dental Examiners to the Board of Dental Practice and aligns many of the board's duties and powers with the laws governing professional licensing boards that are located within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation;
2. Identifies the qualifications necessary for individuals to obtain each type of license or authority issued by the board;
3. Incorporates in statute all of the scopes of practice provisions for dentists and dental auxiliaries that formerly were located partially in statute and partially in board rule, enumerating the dental procedures that dentists, expanded function dental assistants, dental hygienists, public health dental hygienists, dental hygiene therapists, independent practice dental hygienists, dental radiographers and denturists may perform and the level of supervision required for each procedure;
4. Identifies the limited settings in which faculty dentists, clinical dentist educators, charitable dentists, limited dentists, resident dentists, faculty dental hygienists and faculty denturists may practice; and
5. Identifies the specific, limited duties that a dentist may delegate to an unlicensed dental assistant who practices under the dentist's supervision.

The amendment directs that any license or permit in effect on the effective date of the Act remains in effect through its current expiration date, at which time a new license or authority may be issued by the Board of Dental Practice. The amendment directs the Board of Dental Practice to conduct a study of the new Dental Practice Act and any rules adopted by the former Board of Dental Examiners, focusing specifically on scopes of practice, practice settings, and delivery models. The board must submit a report with recommended legislation by March 1, 2017 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters. The committee may report out a bill to the Second Regular Session of the 128th Legislature proposing legislation related to the board's report.

### **Enacted Law Summary**

Public Law 2015, chapter 429 recodifies the laws governing dental professionals by repealing Title 32, chapter 16 of the Maine Revised States and creating a new Dental Practice Act located in Title 32, chapter 143 of the Maine Revised Statutes. It also makes necessary corrections to cross-references scattered throughout the Maine Revised Statutes. The new Dental Practice Act:

1. Changes the name of the Board of Dental Examiners to the Board of Dental Practice and aligns many of the board's duties and powers with the laws governing professional licensing boards that are located within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation;
2. Identifies the qualifications necessary for individuals to obtain each type of license or authority issued by the board;

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

3. Incorporates in statute all of the scopes of practice provisions for dentists and dental auxiliaries that formerly were located partially in statute and partially in board rule, enumerating the dental procedures that dentists, expanded function dental assistants, dental hygienists, public health dental hygienists, dental hygiene therapists, independent practice dental hygienists, dental radiographers and denturists may perform and the level of supervision required for each procedure;
4. Identifies the limited settings in which faculty dentists, clinical dentist educators, charitable dentists, limited dentists, resident dentists, faculty dental hygienists and faculty denturists may practice; and
5. Identifies the specific, limited duties that a dentist may delegate to an unlicensed dental assistant who practices under the dentist's supervision.

Public Law 2015, chapter 429 directs that any license or permit in effect on the effective date of the Act remains in effect through its current expiration date, at which time a new license or authority may be issued by the Board of Dental Practice. It further directs the Board of Dental Practice to conduct a study of the new Dental Practice Act and any rules adopted by the former Board of Dental Examiners, focusing specifically on scopes of practice, practice settings, and delivery models. The board must submit a report with recommended legislation by March 1, 2017 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters. The committee may report out a bill to the Second Regular Session of the 128th Legislature proposing legislation related to the board's report.

**LD 1598    An Act To Amend Procedures for the Licensing of Architects and Foresters**

**PUBLIC 414  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 955 and then referred back to the committee for processing in the normal course.

The bill authorizes the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers to specify, by rule, the required amount of practical experience under the supervision of an experienced architect or architects that an applicant for licensure as an architect must complete before obtaining a license. The bill also removes the requirement that candidates for a forester license submit applications and examination fees to the Board of Licensure of Foresters because, in current practice, candidates submit their applications and examination fees to a board-approved testing company rather than directly to the board.

**Enacted Law Summary**

Public Law 2015, chapter 414 authorizes the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers to specify, by rule, the required amount of practical experience under the supervision of an experienced architect or architects that an applicant for licensure as an architect must complete before obtaining a license. It also removes the requirement that candidates for a forester license submit applications and examination fees to the Board of Licensure of Foresters because, in current practice, candidates submit their applications and examination fees to a board-approved testing company rather than directly to the board.

Public Law 2015, chapter 414 was enacted as an emergency measure effective March 29, 2016.

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

**LD 1607    An Act To Implement the Recommendations of the Maine Affordable  
Housing Working Group**

**PUBLIC 424**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-557

This bill was reported by the committee pursuant to Public Law 2015, chapter 267, Part QQQQ, section 1 and then referred back to the committee for processing in the normal course.

This bill implements the recommendations of the Maine Affordable Housing Working Group. It directs the Maine State Housing Authority and municipal housing authorities to create a single, statewide application and waiting list for so-called Section 8 housing and to ensure that the application can be filled out online. The bill directs the Maine State Housing Authority and the Department of Health and Human Services to ensure that the application can be used by individuals and families to apply for the federal Shelter Plus Care program and the state Bridging Rental Assistance Program. The bill further directs the Maine State Housing Authority to examine options to increase access to affordable housing for families with incomes at or below 30% of the area median income and to establish a rental assistance pilot program. The authority must submit a report by January 15, 2019 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on the authority's progress in increasing access to affordable housing and the extent to which the pilot program achieves success in meeting its goals.

**Committee Amendment "A" (H-557)**

This amendment clarifies that individuals or families applying for so-called Section 8 rental assistance may use that rental assistance application or an addendum to that application if they choose to also apply for rental assistance from the Bridging Rental Assistance Program or the federal Shelter Plus Care program.

The amendment requires that the Maine State Housing Authority submit a preliminary report by February 1, 2017 on the authority's progress in increasing access to affordable housing and the extent to which the rental assistance pilot program achieves success in meeting its goals.

**Enacted Law Summary**

Public Law 2015, chapter 424 implements the recommendations of the Maine Affordable Housing Working Group. It directs the Maine State Housing Authority and municipal housing authorities to create a single, statewide application and waiting list for so-called Section 8 housing and to ensure that the application can be filled out online. The Maine State Housing Authority and the Department of Health and Human Services must ensure that individuals or families applying for Section 8 rental assistance may use the new application or an addendum to that application if they choose to apply for rental assistance from the federal Shelter Plus Care program or the state Bridging Rental Assistance Program. The Maine State Housing Authority must also examine options to increase access to affordable housing for families with incomes at or below 30% of the area median income and establish a rental assistance pilot program. The authority must submit a preliminary report by February 1, 2017 and a final report by January 15, 2019 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters detailing the authority's progress in increasing access to affordable housing and the extent to which the pilot program achieves success in meeting its goals.

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

**LD 1661     An Act To Raise the Minimum Wage**

**Died On  
Adjournment**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was not referred to committee.

This initiated bill raises the minimum wage to \$9.00 per hour in 2017 and by \$1.00 per hour each year after that until it is \$12.00 per hour in 2020. The minimum wage then increases at the same rate as the cost of living. The minimum wage for workers who receive tips increases to \$5.00 per hour in 2017 and then by \$1.00 per hour each year until it matches the minimum wage for all other workers, which occurs no sooner than 2024.

**House Amendment "A" (H-569)**

This amendment amends the bill as follows:

1. It raises the minimum wage to \$8.50 per hour in 2017, instead of the \$9.00 per hour proposed in the bill;
2. It raises the minimum wage to \$9.00 per hour in 2018, instead of the \$10.00 per hour proposed in the bill;
3. It raises the minimum wage to \$9.50 per hour in 2019, instead of the \$11.00 per hour proposed in the bill;
4. It raises the minimum wage to \$10.00 per hour in 2020, instead of the \$12.00 per hour proposed in the bill;
5. It strikes language in the bill requiring that, beginning in 2021, the minimum hourly wage must be increased by the increase in the cost of living;
6. It restores language that limits the increase in the State's minimum wage in response to an increase in the federal minimum wage to no more than \$1 more per hour; and
7. It strikes language proposed in the bill to increase the minimum wage paid to workers who receive tips.

This amendment was not adopted.

**LD 1686     An Act To Amend the Finance Authority of Maine Act**

**PUBLIC 504**

Sponsor(s)

Committee Report

Amendments Adopted

VOLK A  
HERBIG E

OTP-AM

S-463

This bill expands the Finance Authority of Maine's authority to issue revenue obligation securities to include the issuance of revenue obligation securities pertaining to financing assistance for energy generating system projects. The bill amends the definition of "energy generating system project" in the Finance Authority of Maine Act to include energy generating systems owned, in whole or in part, by a limited liability company as well as the wires, cables and other equipment necessary to deliver electricity from the generating facility to the transmission system. Under the bill, the authority may not issue revenue obligation securities for either an energy distribution system project or an energy generating system project unless the authority has issued a certificate of approval for the project before January 1, 2020.

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

## Committee Amendment "A" (S-463)

This amendment clarifies the criteria for issuance of a certificate of approval to an energy generating system project by the Finance Authority of Maine.

### Enacted Law Summary

Public Law 2015, chapter 504 permits the Finance Authority of Maine to issue revenue obligation securities for energy generating system projects. The law amends the definition of "energy generating system project" in the Finance Authority of Maine Act to include energy generating systems owned, in whole or in part, by a limited liability company as well as the wires, cables and other equipment necessary to deliver electricity from the generating facility to the transmission system.

The authority may not issue revenue obligation securities for either an energy distribution system project or an energy generating system project unless the authority has issued a certificate of approval for the project before January 1, 2020. The law clarifies the criteria for issuance of a certificate of approval to an energy generating system project.

**LD 1692      An Act To Amend and Clarify the Laws Governing the Brunswick Naval Air Station Job Increment Financing Fund      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY S TUCKER R	OTP ONTP	

Current law provides that the state income tax withholding attributable to employees at the Brunswick Naval Air Station is placed into a fund and distributed equally to the Midcoast Regional Redevelopment Authority and Southern Maine Community College.

This bill clarifies that the funds distributed to Southern Maine Community College must be used for the support of educational programs or employment services directly related to target business sector businesses at the former Brunswick Naval Air Station. This bill also requires the authority and the college jointly to report to the joint standing committee of the Legislature having jurisdiction over economic development matters annually regarding the use of the funds allocated to the college.

**LD 1695      An Act To Raise the Minimum Wage Incrementally to \$10 Per Hour in 2020      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A		

This bill was not referred to committee.

This bill raises the minimum wage to \$8.50 per hour in 2017 and by \$0.50 per hour each year after that until it is \$10.00 per hour in 2020.

## Senate Amendment "A" (S-527)

This amendment replaces the bill. It raises the minimum wage to \$8.50 per hour beginning October 1, 2016 and by \$.50 per hour each year after that until it is \$10.00 per hour in 2019. It adds an emergency preamble and an emergency clause.

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

This amendment was not adopted.

**Senate Amendment "B" (S-535)**

This amendment replaces the bill. It raises the minimum wage to \$8.50 per hour beginning July 1, 2016 and by \$0.50 per hour each year after that beginning October 1, 2017 until the minimum wage is \$10.00 per hour in 2019. It adds an emergency preamble and an emergency clause.

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

**SUBJECT INDEX**

**Bonds**

**Enacted**

LD 1474 An Act To Provide for the 2016 and 2017 Allocations of the State Ceiling  
on Private Activity Bonds P & S 13  
EMERGENCY

**Business Regulation**

**Enacted**

LD 1559 An Act To Encourage Roller Derby PUBLIC 454

**Not Enacted**

LD 1300 An Act To Create and Sustain Jobs through Development of Cooperatives  
Died On  
Adjournment

**Economic Development-Agencies**

**Enacted**

LD 1538 An Act To Amend the Quorum Requirements That Apply to the Citizen  
Trade Policy Commission PUBLIC 400

LD 1686 An Act To Amend the Finance Authority of Maine Act PUBLIC 504

**Economic Development-Programs**

**Enacted**

LD 1471 Resolve, To Facilitate the Distribution of Food Harvested in Maine to  
Residents with Food Insecurity RESOLVE 81

LD 1480 An Act To Create and Sustain High-quality Maine Jobs PUBLIC 415

**Not Enacted**

LD 429 An Act To Modify the Disbursement from the Maine Economic  
Improvement Fund ONTP

**Employment Practices**

**Enacted**

LD 1389 An Act To Conform Maine Law to Federal Law Regarding Closings and  
Mass Layoffs and To Strengthen Employee Severance Pay Protections PUBLIC 417

**Not Enacted**

LD 1384 An Act To Improve Workplace Safety by Simplifying and Improving  
Employers' Substance Abuse Policy Requirements Died Between  
Houses

## *Housing*

### Enacted

LD 1607      An Act To Implement the Recommendations of the Maine Affordable Housing Working Group      PUBLIC 424

### Not Enacted

LD 249      An Act To Enable Seniors To Remain in Their Homes      Died On Adjournment

LD 1062      An Act To Support Housing for Homeless Veterans      Died On Adjournment

## *Individuals with Disabilities Employment*

### Enacted

LD 1549      An Act To Amend the Laws Governing Oversight of and Responsibility for the Kim Wallace Adaptive Equipment Loan Program Fund      PUBLIC 412

### Not Enacted

LD 1240      An Act To Phase Out the Payment of Subminimum Wages to Workers with Disabilities      ONTP

## *Occupational and Professional Regulation*

### Enacted

LD 690      An Act To Ensure the Safety of Home Birth      PUBLIC 502

LD 1596      An Act To Revise the Laws Regarding Dental Practices      PUBLIC 429

LD 1598      An Act To Amend Procedures for the Licensing of Architects and Foresters      PUBLIC 414  
EMERGENCY

### Not Enacted

LD 1514      An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation      Veto Sustained

LD 1591      An Act To Amend the Maine Veterinary Practice Act      ONTP

## *Unemployment Compensation*

### Not Enacted

LD 1501      An Act To Amend the Law Regarding Disqualification for Unemployment Benefits during Stoppages of Work      Died Between Houses

## *Wages*

### Not Enacted

LD 674      An Act To Support Maine's Working Families      Died On Adjournment

LD 1661      An Act To Raise the Minimum Wage      Died On Adjournment

LD 1695	An Act To Raise the Minimum Wage Incrementally to \$10 Per Hour in 2020	Died On Adjournment
---------	---	---------------------

**Workers' Compensation**

**Enacted**

LD 1553	An Act To Improve the Workers' Compensation System	PUBLIC 469
---------	--	------------

**Workforce Development**

**Not Enacted**

LD 1692	An Act To Amend and Clarify the Laws Governing the Brunswick Naval Air Station Job Increment Financing Fund	Veto Sustained
---------	---	----------------

**Workforce Investment**

**Enacted**

LD 1137	An Act To Promote Workforce Development	PUBLIC 402 EMERGENCY
---------	---	-------------------------