

STATE OF MAINE
126TH 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 2014

STAFF:

NATALIE HAYNES, LEGISLATIVE ANALYST
HENRY FOUTS, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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

LD 314 An Act To Create the Office of Marketing

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK TUTTLE	ONTP	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides for the creation of a centralized Office of Marketing within the Department of Economic and Community Development, responsible for the coordination of all marketing efforts throughout State Government. The office will coordinate requests for proposals, contracts and participation in conferences and exhibits to create a centralized state marketing effort. This office is responsible for the coordination, development, approval and implementation of the state marketing strategy.

LD 449 An Act To Ensure Consumer Choice in the Purchase of Prescription Drugs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS DAVIS	ONTP	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill clarifies and affirms the ability of Maine consumers to purchase mail order prescription drugs from licensed pharmacies that are located in certain nations specified under federal law.

LD 690 An Act To Ensure Efficiency in the Unemployment Insurance System

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG PATRICK	ONTP	

This bill was carried over from the First Regular Session of the 126th Legislature.

During the First Regular Session, the bill was reported out by the committee with an amendment and placed on the Appropriations Table and carried over pursuant to Joint Order, H.P. 1145. The bill was referred back to the Labor, Commerce, Research and Economic Development Committee in the Second Regular Session.

This bill requires that determinations on all nonmonetary issues related to a claim for unemployment compensation be made within specified time frames.

LD 788 An Act To Provide Vehicle Owners and Repair Facilities Access to Vehicle Diagnostic and Repair Information and Equipment

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON T	ONTP	

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

This bill was carried over from the First Regular Session of the 126th Legislature.

It requires motor vehicle manufacturers to make available to owners of the manufacturer's motor vehicles and independent motor vehicle repair facilities, diagnostic and repair information and equipment at no more than fair market value and in a way that does not unfairly favor the manufacturer's dealers and authorized repair facilities.

LD 1154 An Act To Establish the Maine Length of Service Award Program

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER DUTREMBLE	OTP-AM ONTP	H-644 S-545 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

It establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. "Qualified services" is defined under the United States Internal Revenue Code, Section 457(e)(11) to mean "firefighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution deposited no later than the following July 1st for each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Length of Service Award Program Board of Trustees. Upon the attainment of 60 years of age or after having earned 20 years of service credit before 60 years of age, a volunteer who had attained a vested status in the program by having earned 5 years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those contributions. The vested portion of the program account award of a participating volunteer must be paid before 60 years of age after the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also payable before 60 years of age upon death or total and permanent disablement.

This bill authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor, and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well.

This bill raises the sales tax on consumer fireworks from 5% to 10% and dedicates the revenue from the increase to the program.

Under this bill, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration and investment services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

Committee Amendment "B" (H-644)

This amendment, which is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, eliminates the 10% sales tax on consumer fireworks proposed in the bill. The program

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established in the bill will receive dedicated funding from the State equivalent to 50% of the revenue received from the general sales tax currently imposed on the sale of consumer fireworks as set out in the bill, but the amendment limits this funding to two years.

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

Senate Amendment "A" To Committee Amendment "B" (S-545)

This amendment removes the provision that dedicates a portion of the sales tax imposed on the sale of consumer fireworks. It allows the Maine Length of Service Award Program to accept donations and provides a base Other Special Revenue Funds allocation of \$500 in fiscal year 2014-15.

LD 1230 An Act To Improve Access to Oral Health Care

PUBLIC 575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES BURNS	OTP-AM ONTP	H-589 H-658 SANDERSON

This bill was carried over from the First Regular Session of the 126th Legislature.

It establishes a licensure process and scope of practice for dental hygiene therapists. It requires a dental hygiene therapist to be supervised by a dentist licensed in this State. The bill also requires a written practice agreement between the supervising dentist and the dental hygiene therapist and provides rulemaking authority for the Board of Dental Examiners.

Committee Amendment "C" (H-589)

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. It amends the laws governing MaineCare coverage, health insurance contracts and group and blanket health insurance to provide for dental coverage and reimbursement for services performed by dental hygiene therapists authorized to practice under the provisions of the bill.
2. It limits the time frame for a provisional dental hygiene therapy license to three years.
3. It increases the number of supervised clinical practice hours required in order to obtain a dental hygiene therapy license from 500 to 1,000.
4. It adds language to allow for the provisions regarding dental coverage and reimbursement to be enacted without review by the Department of Professional and Financial Regulation, Bureau of Insurance.
5. It adds an application section to provide that the requirements of the bill relating to insurance reimbursement apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2015 in the State.
6. It makes changes to the sections of the bill relating to scope of practice of dental hygiene therapists by removing minor surgical care, replacing the authority to prescribe medication with authority to provide, dispense and administer certain medications within the parameters of the written practice agreement and adding the authority to perform nonsurgical extractions of diseased permanent teeth if authorized in advance by the supervising dentist.
7. It adds public schools, residential care facilities and nursing facilities to the list of health settings where dental hygiene therapists may provide services within their scope of practice.

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8. The bill allows a dental hygiene therapist to provide certain services while under the general supervision of a dentist in certain health settings, including a setting in a county designated as a dental shortage area by the federal Department of Health and Human Services and in a private dental practice that serves a population that is at least 25% patients who are covered by the MaineCare program or are underserved adults. This amendment removes a designated dental shortage area as an eligible setting and increases the threshold for eligibility for private dental practices to those serving a population that is at least 50% patients who are covered by the MaineCare program or are underserved adults.

9. The bill allows a dental hygiene therapist to provide, dispense and administer certain medications, including analgesics. This amendment specifies that the analgesics are limited to nonprescription analgesics.

House Amendment "B" To Committee Amendment "C" (H-658)

This amendment makes the following changes to Committee Amendment "C".

1. It requires an applicant for a dental hygiene therapy license to meet specific education requirements, including obtaining an associate degree in dental hygiene prior to successfully completing at least four semesters of dental hygiene therapy training, which may be done at the same time as or consecutively with obtaining a Bachelor of Science degree in dental hygiene, which is also required.

2. It requires the dental hygiene therapy education program to be accredited by the American Dental Association Commission on Dental Accreditation. Until that accreditation is obtained, the Board of Dental Examiners may approve the dental hygiene therapy education program.

3. It increases from 1,000 to 2,000 the number of hours of supervised clinical practice required in order to obtain a dental hygiene therapy license, but allows the number of hours spent in supervised clinical practice while completing the four-semester dental hygiene therapy training to be included in the calculation.

4. It prohibits an applicant for a license as a dental hygiene therapist who fails the clinical examination twice from taking the examination again until after the applicant has received more education and training, as specified by the Board of Dental Examiners.

5. It specifies that a dental hygiene therapist may practice only while under the direct supervision of a dentist and clarifies that the supervising dentist must be licensed to practice in Maine.

6. It removes the ability of the supervising dentist to authorize a dental hygiene therapist to provide services to a patient who has not first seen the dentist.

7. It changes the category of rules adopted by the Board of Dental Examiners from major substantive rules to routine technical rules and requires the board to consult with dentists, dental hygienists and others before adopting the rules.

Enacted Law Summary

Public Law 2013, chapter 575 establishes a licensure process and scope of practice for dental hygiene therapists as follows.

1. It specifies that a dental hygiene therapist may practice only under the direct supervision of a dentist that is licensed to practice in Maine and in accordance with a written practice agreement.

2. It provides the list of health settings where a dental hygiene therapist may provide services within their scope of practice. It also specifies the scope of practice for this license, which includes generally: assessments and treatments; preparations; restorations; simple extractions; crowns; space maintainers; referrals; local anesthesia and

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nitrous oxide analgesia; preventive services; management of dental trauma and suturing; medications; radiographs; and other related services and functions.

3. It requires an applicant for a dental hygiene therapy license to meet specific education requirements, including obtaining an associate degree in dental hygiene prior to successfully completing at least four semesters of dental hygiene therapy training, which may be done at the same time as or consecutively with obtaining a Bachelor of Science degree in dental hygiene.
4. It requires the dental hygiene therapy education program to be accredited by the American Dental Association Commission on Dental Accreditation. Until that accreditation is obtained, the Board of Dental Examiners may approve the dental hygiene therapy education program.
5. It requires 2,000 hours of supervised clinical practice in order to obtain a dental hygiene therapy license and allows the number of hours spent in supervised clinical practice while completing the four-semester dental hygiene therapy training to be included in the calculation.
6. It prohibits an applicant for a license as a dental hygiene therapist who fails the clinical examination twice from taking the examination again until after the applicant has received more education and training, as specified by the Board of Dental Examiners.
7. It specifies that rules adopted by the Board of Dental Examiners are routine technical rules and requires the board to consult with dentists, dental hygienists and others before adopting the rules.
8. It amends the laws governing MaineCare coverage, health insurance contracts and group and blanket health insurance to provide for dental coverage and reimbursement for services performed by licensed dental hygiene therapists.
9. It includes an application section to provide that the requirements of the bill relating to insurance reimbursement apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2015 in this State.

**LD 1310 An Act To Improve Access to Dental Care through Empowering the
Denturist Subcommittee of the Board of Dental Examiners**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM ONTP	S-418

This bill was carried over from the First Regular Session of the 126th Legislature.

It amends the laws governing the Board of Dental Examiners as follows.

1. It renames the board the Maine Board of Oral Health, and it reassigns the membership of the board to give equitable representation to the regulated dental professions and adds additional public members. As changed, the board has nine members: two dentists, two dental hygienists, two denturists and three public members.
2. It changes the duties, functions and responsibilities of the board. The board's major roles are to perform administrative duties as a coordinating body for the board's subcommittees and to advise the subcommittees and ratify and carry out the recommendations of the subcommittees including rules recommended by the subcommittees.
3. It amends the laws governing the board's subcommittees on denturists and dental hygienists and establishes a new subcommittee on dentists. It defines the membership for each subcommittee and its duties, functions and

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responsibilities.

Committee Amendment "A" (S-418)

This amendment is the majority report of the committee and replaces the bill. It changes the composition of the Board of Dental Examiners by removing the dental hygienists from the board and adding two denturists to the board. It allows the Governor to accept nominations for the positions of dentist and denturist on the board from statewide associations of dentists and denturists, as well as from other organizations and individuals. It changes the composition of the Subcommittee on Denturists by reducing from two to one the number of dentists on the subcommittee and adding a public member. It also requires that any rule adopted by the board that relates to denturist licensure, including interviews for licensing and renewal, continuing education, discipline and inactive licensure status, must be proposed by the Subcommittee on Denturists and requires the board either to proceed with the rule-making process as proposed by the subcommittee's recommendation or, by a vote of more than 2/3 of the board members present and voting, to reject that recommendation. To reject the recommendation, the board must make a specific finding that the recommendation is beyond the jurisdiction of the subcommittee, places an undue financial burden upon the board or is not supported by the record. The amendment provides that the board must adopt the subcommittee's recommended disposition with respect to a complaint involving a denturist or an application for licensure or submission relating to continuing education unless more than 2/3 of the board members who are present and voting vote to reject the subcommittee's recommended disposition and the board makes a specific finding that the recommendation is beyond the jurisdiction of the subcommittee, places an undue financial burden upon the board or is not supported by the record.

It requires the Subcommittee on Denturists to submit its budgetary requirements to the board and requires the subcommittee's budget to be fully funded from revenue generated from denturist licensing fees. It requires the board to compensate the subcommittee for any necessary expenditures incurred by the subcommittee in performing its duties. It also eliminates the Subcommittee on Dental Hygienists. It adds an application section and staggers the terms for the two new denturist appointments to the board.

LD 1328 An Act To License Home Building and Improvement Contractors

**Leave to Withdraw
Pursuant to Joint
Rule**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

It creates the Maine Home Contractor Licensing Act to establish licensing standards of practice and continuing education requirements for home contractors and home contractor salespersons.

LD 1458 Resolve, To Establish the Commission To Study Business Format Franchising

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG PATRICK	OTP-AM OTP-AM ONTP	H-669

This bill was carried over from the First Regular Session of the 126th Legislature.

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It enacts the Maine Small Business Investment Protection Act to protect franchisees in the sale and operation of franchise businesses.

Committee Amendment "A" (H-669)

This amendment is the majority report of the committee and replaces the bill with a resolve to establish the Commission To Study Business Format Franchising. It requires the commission to study the following: the frequency of transfers of franchises in this State from a franchisee to a member of the franchisee's family, including but not limited to, cases in which the franchisee dies or becomes incapacitated; legal issues raised with state franchise laws that require contract disputes to be subject to the jurisdiction of state courts; the cancellation, termination and renewal terms of franchise agreements; the impact of the imposition of the obligation to act in good faith on parties to a franchise agreement; and the impact of the imposition of the requirement of reasonableness on terms and provisions of a franchise agreement. It requires the commission to submit a report by November 5, 2014 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters.

Committee Amendment "B" (H-670)

This amendment is the minority report of the committee and it replaces the bill. It does the following.

1. It enacts the Maine Small Business Investment Protection Acts, establishes that violations of the Act are subject to the jurisdiction of the courts of this State and exempts from the provisions of the Act franchisors and franchisees that are subject to other statutory franchise relationship laws in the Maine Revised Statutes, Title 10, chapter 204, 204-B, 206-B, 208-B, 211-A or 214-A.
2. It establishes a standard of reasonableness and good faith for all agreements entered into under the Maine Small Business Investment Protection Act.
3. It provides standards regarding cancellation, termination and nonrenewal of a franchise to require good cause, prior notice and the opportunity to cure.
4. It includes protections for a franchisee's right to transfer or assign an interest in a franchise.
5. It provides for survivorship rights for a designated family member of a deceased or incapacitated franchisee.
6. It contains a public policy section that states that a contract or part of a contract or activity undertaken pursuant to a contract in violation of the Maine Small Business Investment Protection Act is against public policy and is void and unenforceable.
7. It adds an application section.

LD 1482 An Act To Amend the Motor Vehicle Franchise Laws

PUBLIC 534

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN FREDETTE	OTP-AM ONTP	S-439

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill amends the motor vehicle dealer franchise laws. It defines "essential tool" as a tool specific to a manufacturer that is instrumental to the diagnosis or repair of a manufacturer's express warranty claim on a new motor vehicle. It amends the laws related to a manufacturer's requirement to provide a fair supply and mix of vehicles. It clarifies that when a manufacturer requires a dealer to purchase a special or essential tool a

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manufacturer may charge only its actual cost for such a tool. It establishes standards protecting dealership data from unauthorized use. It clarifies the right of a dealer to see the dealer's file regarding compliance with the franchise agreement. It also amends the warranty law to clarify that if a dealer performs warranty service and the work is done in a professional manner and the repair is otherwise completed to the benefit of the consumer, if the manufacturer objects to a technical requirement associated with the warranty submission process or to a specific aspect of the repair, those elements of the warranty claim that are not objectionable must be paid.

Committee Amendment "A" (S-439)

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. It changes the definition of "essential tool" to specify that an essential tool is one that is required by a motor vehicle manufacturer.
2. It changes the provisions governing the requirement that a motor vehicle manufacturer provide a fair and adequate supply and mix of vehicles to a dealer to provide that a failure by a manufacturer to do so that results in an effort to terminate a new motor vehicle dealer for, in whole or in part, poor sales performance or market penetration may be evidence that the termination was not for good cause.
3. It changes the provisions governing recovery of actual costs by the manufacturer from the dealer for special or essential tools to provide that the manufacturer may recover costs only if the tool is directly available only from the manufacturer or its wholly owned subsidiary.
4. It clarifies the provisions governing prohibited conduct by a manufacturer relating to alterations or renovations to a dealership's premises or facilities and provides that the provisions do not supersede certain other laws, including state health and safety laws or local zoning laws.
5. It expands the definition of "dealer management computer system vendor."
6. In the section relating to standards protecting dealership data from unauthorized use, it strikes the provision regarding fees and adds language to include 3rd parties in the provision prohibiting access to dealer and customer data.
7. It changes the provisions regarding exceptions to the limitations on the access or use of customer or prospect information maintained in a dealer management computer system to provide that the limitations do not apply to a customer that moves more than 60 miles away from the dealer whose data were accessed.
8. It removes the provision relating to the retroactive application of contracts in the section governing security breaches.
9. It replaces the language governing a franchisor's responsibility to pay elements of a warranty claim to provide that the franchisor is prohibited from denying those elements of a warranty claim that are based on a dealer's incidental failure to comply with a claim requirement, as long as the dealer corrects any related clerical error or other technicality according to licensee guidelines.
10. It adds a provision to amend current law to reduce from 18 to 12 the number of months a manufacturer may audit a new motor vehicle dealer to determine the validity of customer or dealer incentive payments.

Enacted Law Summary

Public Law 2013 amends the motor vehicle franchise laws as follows.

1. It changes the definition of "essential tool" to specify that an essential tool is one that is required by a motor vehicle manufacturer.

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2. It changes the provisions governing the requirement that a motor vehicle manufacturer provide a fair and adequate supply and mix of vehicles to a dealer to provide that a failure by a manufacturer to do so that results in an effort to terminate a new motor vehicle dealer for, in whole or in part, poor sales performance or market penetration may be evidence that the termination was not for good cause.
3. It changes the provisions governing recovery of actual costs by the manufacturer from the dealer for special or essential tools to provide that the manufacturer may recover costs only if the tool is directly available only from the manufacturer or its wholly owned subsidiary.
4. It clarifies the provisions governing prohibited conduct by a manufacturer relating to alterations or renovations to a dealership's premises or facilities and provides that the provisions do not supersede certain other laws, including state health and safety laws or local zoning laws.
5. It expands the definition of "dealer management computer system vendor."
6. In the section relating to standards protecting dealership data from unauthorized use, it strikes the provision regarding fees and adds language to include 3rd parties in the provision prohibiting access to dealer and customer data.
7. It changes the provisions regarding exceptions to the limitations on the access or use of customer or prospect information maintained in a dealer management computer system to provide that the limitations do not apply to a customer that moves more than 60 miles away from the dealer whose data were accessed.
8. It removes the provision relating to the retroactive application of contracts in the section governing security breaches.
9. It replaces the language governing a franchisor's responsibility to pay elements of a warranty claim to provide that the franchisor is prohibited from denying those elements of a warranty claim that are based on a dealer's incidental failure to comply with a claim requirement, as long as the dealer corrects any related clerical error or other technicality according to licensee guidelines.
10. It adds a provision to amend current law to reduce from 18 to 12 the number of months a manufacturer may audit a new motor vehicle dealer to determine the validity of customer or dealer incentive payments.

LD 1565 Resolve, Directing the Department of Economic and Community Development To Report on the Use of Funds Appropriated To Support the Code Enforcement Officer Training and Certification Program

**Died On
Adjournment**

Sponsor(s)
CAREY

Committee Report
OTP-AM

Amendments Adopted
H-641

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill reassigns the responsibilities for code enforcement officer training and certification from the Department of Economic and Community Development, Office of Community Development to the Department of Environmental Protection, Bureau of Land Quality Control. Current law partially funds the position from the Maine Code Enforcement Training and Certification Fund, which receives fees and surcharges imposed for the examination of plans for construction, reconstruction or repairs, plumbing inspections and training and certification of municipal building officials and code enforcement officers. Current law also provides that if insufficient funds are available to support the training and certification program, the program is discontinued. This bill removes that provision.

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Committee Amendment "A" (H-641)

This amendment replaces the bill with a resolve and directs the Department of Economic and Community Development, Office of Community Development to provide a report by February 15, 2015 to the joint standing committee of the Legislature having jurisdiction over economic development matters on the use of funds appropriated to support the long-term stability of the code enforcement officer training and certification program, as well as the number of code enforcement officers trained and certified by the department. It authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to report out a bill to the First Regular Session of the 127th Legislature.

**LD 1622 An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response PUBLIC 477
EMERGENCY**

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

Current law prohibits an employer from discharging or otherwise disciplining for absence an employee who is a volunteer firefighter and who responds to an emergency in that capacity. The law does not pertain to a person who belongs to a municipal fire department. This bill changes the law to also protect members of municipal fire departments.

Enacted Law Summary

Public Law 2013, chapter 477 prohibits an employer from discharging or otherwise disciplining for absence an employee who is a member of municipal fire department and who responds to an emergency in that capacity. Current law provides this protection only to volunteer firefighters.

Public Law 2013, chapter 477 was enacted as an emergency measure effective March 16, 2014.

**LD 1624 An Act Concerning Pricing Disclosure Requirements and Oversight of Pharmacy Benefits Managers Accepted Majority
(ONTP) Report**

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

This bill sets limits on the use of maximum allowable cost pricing by pharmacy benefits managers and requires pharmacy benefits managers to make disclosures regarding that pricing. It also transfers oversight and enforcement of the laws governing the registration of pharmacy benefits managers from the Superintendent of Insurance to the Department of Professional and Financial Regulation, Maine Board of Pharmacy.

**LD 1633 An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits Accepted Majority
(ONTP) Report**

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

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

This bill extends until December 31, 2018 the ability of a business located in a tier 2 Pine Tree Development Zone to be certified to receive Pine Tree Development Zone benefits. Currently, the expiration for such certification in tier 2 is December 31, 2013 and in tier 1 is December 31, 2018.

Committee Amendment "A" (S-403)

This amendment is the minority report of the committee. Beginning January 1, 2015, it establishes a new tier 3 Pine Tree Development Zone classification for all units of local government in Aroostook County and Washington County. It provides for Pine Tree Development Zone benefits and expanded employment tax increment financing benefits for businesses located in a tier 3 location. It removes the units of local government in Aroostook County and Washington County from eligibility for designation as a tier 1 location.

It extends until December 31, 2018 the ability of a qualified Pine Tree Development Zone business in any tier location to be certified to receive Pine Tree Development Zone benefits until the benefits are terminated on December 31, 2028. Currently, the expiration for certification for businesses in a tier 2 location is December 31, 2013.

LD 1641 An Act To Amend the Workers' Compensation Laws as They Pertain to Veto Sustained
Employee Representation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM ONTP	S-433

This bill amends the laws governing workers' compensation to provide that an injured employee is entitled to have a union representative or other representative of the employee's own selection present at an examination by an employer-selected health care provider.

Committee Amendment "A" (S-433)

This amendment, which is the majority report of the committee, replaces the bill with a provision that expands the list of statements that are inadmissible in proceedings under the Maine Workers' Compensation Act of 1992, to include statements obtained after continued questioning of an employee by an investigator, employer or an employer's representative after that employee's request to have a representative of the employee's choice present has been denied.

LD 1643 An Act To Enable the Bureau of Labor Standards To Access Federal PUBLIC 473
Reimbursement by Amending State Law To Conform to Federal Law

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM	S-404

This bill conforms laws regarding the enforcement of workplace safety by the Department of Labor, Bureau of Labor Standards to federal law, making the bureau eligible for federal funds.

Committee Amendment "A" (S-404)

This amendment changes the bill by qualifying that, in the case of a conflict between the occupational safety and health rules of the Department of Labor, Bureau of Labor Standards and the rules of another state agency, the bureau's rules supersede the other agency's rules only regarding the occupational safety and health standards of that other agency. The amendment also adds an appropriations and allocations section.

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preapprenticeship opportunities.

It proposes to expand the State's support for laid-off workers by ensuring adequate staffing in the Department of Labor, Bureau of Employment Services.

It also proposes to establish a stakeholder group to examine best practices regarding layoff aversion and to propose a comprehensive strategy to prevent layoffs. The stakeholder group would include representatives of labor, business, service providers, laid-off workers and government agencies and would examine and report on subjects including, but not limited to:

1. Best practices from other states with programs to prevent layoffs;
2. Early warning networks that identify and monitor firms, industries and communities that may be vulnerable to mass layoffs or business closures;
3. Strategies for early economic development assistance, including ways to efficiently match firms in or near distress with economic development agencies that provide grants, loans or technical assistance such as workforce training, product development or development of new assembly or production processes;
4. Buy-out options, including competitor buyout and employee buyout, and a review of existing law relating to buy-out options to determine whether changes should be made to facilitate buyouts and prevent layoffs;
5. Strategies to strengthen sectors of the economy through cooperation between stakeholders in a specific industry in areas such as workforce development; and
6. Alternatives to layoffs, including work sharing, worker training, modernization and equipment upgrades, financial restructuring, succession plans and conversion to new products.

LD 1659 An Act To Amend the Uniform Deceptive Trade Practices Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE FARNSWORTH	ONTP	

This bill amends the Uniform Deceptive Trade Practices Act by prohibiting a person from posting online reviews that disparage or praise goods, services or a business if that person is paid or contracted to disparage or praise the goods, services or business and by prohibiting a person from paying for such reviews.

LD 1666 An Act To Simplify the Audit Procedures of the Maine Rural Development Authority

PUBLIC 465

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING HERBIG	OTP-AM	S-388

This bill allows the Maine Rural Development Authority to submit its annual audit as part of its administering agency's annual audit.

Committee Amendment "A" (S-388)

This amendment incorporates a fiscal note.

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Enacted Law Summary

Public Law 2013, chapter 465 allows the Maine Rural Development Authority to submit its annual audit as part of its administering agency's annual audit.

LD 1668 An Act To Expedite Training Waiver Decisions for Unemployment Claimants by Transferring Original Jurisdiction from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation

**PUBLIC 474
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM	S-407

This bill transfers original jurisdiction over training not approved by the federal Workforce Investment Act of 1998 from the Maine Unemployment Insurance Commission to the Department of Labor, Bureau of Unemployment Compensation. This change allows the Unemployment Insurance Commission to serve in the appellate capacity for training waiver cases.

Committee Amendment "A" (S-407)

This amendment changes the bill by not allowing direct appeals to the Maine Unemployment Insurance Commission. Appeals will be handled in the same manner as other unemployment compensation decisions.

This amendment also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2013, chapter 474 transfers original jurisdiction over training not approved by the federal Workforce Investment Act of 1998 from the Maine Unemployment Insurance Commission to the Department of Labor, Bureau of Unemployment Compensation.

Public Law 2013, chapter 474 was enacted as an emergency measure effective March 10, 2014.

LD 1669 An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace

**Died Between
Houses**

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

Current law requires employers that want to provide a drug-free workplace by testing applicants or employees for substance abuse to develop and file a policy with the Department of Labor. The Bureau of Labor Standards reviews the policies to ensure compliance with state laws and rules. This bill provides employers with a single, consistent model policy. The model policy, which must be established by the Commissioner of Labor and managed by the department, is intended to encourage greater participation by employers to reduce substance abuse in the workplace. The bill requires an employer to adopt the model policy before establishing a substance abuse testing program. It removes the requirements that employers provide an employee assistance program and pay for half of rehabilitation beyond services provided through health care benefits. Employers may offer an employee assistance program if they choose. The bill amends the definition of "probable cause" to provide that a single work-related accident is probable cause to suspect an employee is under the influence of a substance of abuse. The bill requires the

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Department of Health and Human Services and the Department of Labor to work together to adopt rules to establish the model policy by July 1, 2015.

Committee Amendment "A" (S-440)

This amendment changes the bill by creating a task force to develop a statewide drug-free workplace model policy. The model policy developed by the task force must be established by the Commissioner of Labor by major substantive rule by July 1, 2015, with the Department of Labor and the Department of Health and Human Services subsequently permitted to jointly adopt further routine technical rules.

LD 1677 An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor

PUBLIC 467

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

This bill makes minor technical corrections and clarifications to the statutes that govern the Department of Labor, including:

1. Correcting a reference to workers' compensation payments made to employees;
2. Updating the law to reflect the current disposition of federal funds received pursuant to the federal Wagner-Peyser Act;
3. Correcting references to entities within the department that were abolished or merged into another entity;
4. Correcting a conflict in the law created when two public laws amended the same section of law in different ways;
5. Renaming a standing committee of the State Workforce Investment Board the Commission on Disability and Employment;
6. Removing language specifying the appointment process and terms for members of the Program Policy Committee, a standing committee of the State Workforce Investment Board; and
7. Allowing all standing committees of the State Workforce Investment Board to receive funds and other things of value to allow the standing committees to carry out the purposes of the State Workforce Investment Board.

Enacted Law Summary

Public Law 2013, chapter 467 makes minor technical corrections and clarifications to the statutes that govern the Department of Labor, including:

1. Correcting a reference to workers' compensation payments made to employees;
2. Updating the law to reflect the current disposition of federal funds received pursuant to the federal Wagner-Peyser Act;
3. Correcting references to entities within the department that were abolished or merged into another entity;
4. Correcting a conflict in the law created when two public laws amended the same section of law in different ways;
5. Renaming a standing committee of the State Workforce Investment Board the Commission on Disability and

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Employment;

- 6. Removing language specifying the appointment process and terms for members of the Program Policy Committee, a standing committee of the State Workforce Investment Board; and
- 7. Allowing all standing committees of the State Workforce Investment Board to receive funds and other things of value to allow the standing committees to carry out the purposes of the State Workforce Investment Board.

LD 1698 An Act To Streamline the Work Permitting Process for Minors and To Conform Allowable Places That Minors May Work to Federal Law Died Between Houses

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

Current law requires that a minor start the work permitting process through the superintendent of schools of the school administrative unit in which the minor resides regardless of whether school is in session. This bill would allow a minor less than 16 years of age to obtain a work permit directly from the Department of Labor, Bureau of Labor Standards when school is not in session. The bill clarifies the roles and responsibilities of the superintendent of the school administrative unit and of the bureau as they relate to the work permitting process. The bill specifies that the bureau may issue a permit for a student who is attending summer school only after receiving certification from the superintendent that the student is enrolled in summer school, not truant, not under suspension and passing a majority of courses during the current grading period. The bill specifies that when school is not in session the bureau may issue a permit for a student only after receiving satisfactory evidence of the minor's age. The bill also authorizes the bureau to revoke a permit when there is reason to believe the permit should be revoked. Finally, the bill allows a minor less than 16 years of age to work in a bowling alley or theater, which conforms to federal law, and repeals the language dealing with triplicate permits and a master permit system.

LD 1700 Resolve, Regarding Legislative Review of Chapter 13: Fees for Boxing Events and Authorized Participants, a Major Substantive Rule of the Combat Sports Authority of Maine RESOLVE 90 EMERGENCY

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

This resolve provides for legislative review of Chapter 13: Fees for Boxing Events and Authorized Participants, a major substantive rule of the Combat Sports Authority of Maine.

Enacted Law Summary

Resolve 2013, chapter 90 provides for legislative review of Chapter 13: Fees for Boxing Events and Authorized Participants, a major substantive rule of the Combat Sports Authority of Maine.

Resolve 2013, chapter 90 was finally passed as an emergency measure effective March 12, 2014.

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LD 1701 An Act To Amend the Work-sharing Program To Conform with Federal Law

**PUBLIC 448
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK VOLK	OTP-AM	S-391

This bill changes the law regarding work-sharing programs to bring it into conformity with federal provisions that govern short-time compensation programs. The federal Middle Class Tax Relief and Job Creation Act of 2012 requires states that currently administer a work-sharing program to conform their laws to the new federal provisions no later than August 22, 2014 or risk a loss of unemployment tax credits. Changes include ensuring continuing health or retirement benefits for participating employees to the same extent the benefits are provided to those employees not participating in the work-sharing program; providing details in the employer's application process about the number of layoffs averted and the employee notification process that will be used; and ensuring that work-sharing employees may participate in training to enhance their job skills while participating in the work-sharing program.

Committee Amendment "A" (S-391)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2013, chapter 448 changes the law regarding work-sharing programs to bring it into conformity with federal provisions that govern short-time compensation programs. The federal Middle Class Tax Relief and Job Creation Act of 2012 requires states that currently administer a work-sharing program to conform their laws to the new federal provisions no later than August 22, 2014 or risk a loss of unemployment tax credits. Changes include ensuring continuing health or retirement benefits for participating employees to the same extent the benefits are provided to those employees not participating in the work-sharing program; providing details in the employer's application process about the number of layoffs averted and the employee notification process that will be used; and ensuring that work-sharing employees may participate in training to enhance their job skills while participating in the work-sharing program.

Public Law 2013, chapter 448 was enacted as an emergency measure effective February 20, 2014.

LD 1710 An Act To Retain Call Centers in Maine

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HERBIG	ONTP OTP-AM	S-420 S-501 JACKSON T

This bill requires employers that intend to relocate a call center, or a facility or operating unit handling at least 30% of call volume within a call center, from Maine to a foreign country must notify the Commissioner of Labor at least 120 days before the relocation. The commissioner is required to create a list of these employers, updated twice a year. An employer appearing on the list is ineligible for a state grant, loan or tax benefit for five years. The bill also has a clawback provision that requires an employer on the commissioner's list to pay back the unamortized value of a state grant, loan or tax benefit previously issued to such an employer. If an employer fails to notify the Commissioner of Labor of the relocation of a call center at least 120 days before the relocation, a fine of \$10,000 per day may be assessed. The bill also requires that call center work for executive branch agencies of the State be

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performed in the State.

Committee Amendment "A" (S-420)

This amendment, which is the minority report of the committee, amends the bill by adding an appropriations and allocations section.

Senate Amendment "A" (S-501)

This amendment requires an employer that intends to relocate a call center to notify the Commissioner of Labor at least 60 days before the relocation. The bill requires this notice to be given at least 120 days before the relocation. The amendment reduces the fine for failure to give this notice from \$10,000 per day to \$350 per day. It also reduces from five years to two years the length of time an employer who relocates a call center to a foreign country is ineligible for a state grant, loan or tax benefit.

LD 1724 An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law

PUBLIC 547

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING POULIOT	OTP-AM	S-476

This bill adopts the following changes to the license requirements for real estate appraisers as required by federal law effective January 1, 2015.

1. It requires applicants for licensure to be fingerprinted and submit to a background check.
2. It changes the requirements that an applicant who is licensed in another jurisdiction must meet in order to be licensed in this State.
3. It provides that a licensee may not repeat for credit the same continuing education course offering within a license renewal cycle.
4. It changes the educational requirements for applicants and requires that educational and experience requirements must be met before an applicant may take the required examination.
5. It establishes the qualifications and duties of supervisory appraisers.

Committee Amendment "A" (S-476)

This amendment removes the provision in the bill that requires an applicant for licensure to be fingerprinted and submit to a background check and replaces it with language that requires an applicant to submit a set of the applicant's fingerprints, commencing upon the date determined by the appraiser qualifications board, the entity charged with establishing the qualification criteria for state licensing, certification and recertification of real property appraisers. It also requires an applicant to apply for licensure within 24 months of successfully completing the examination for a certified general real property, certified residential real property or residential real property appraiser license.

Enacted Law Summary

Public Law 2013, chapter 547 makes the following changes the license requirements for real estate appraisers as required by federal law effective January 1, 2015.

1. It requires applicants for licensure to be fingerprinted and submit to a background check commencing upon the date determined by the appraiser qualifications board, the entity charged with establishing the qualification criteria

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for state licensing, certification and recertification of real property appraisers.

2. It changes the requirements that an applicant who is licensed in another jurisdiction must meet in order to be licensed in this State.
3. It provides that a licensee may not repeat for credit the same continuing education course offering within a license renewal cycle.
4. It requires an applicant to apply for licensure within 24 months of successfully completing the examination for a certified general real property, certified residential real property or residential real property appraiser license.
5. It changes the educational requirements for applicants and requires that educational and experience requirements must be met before an applicant may take the required examination.
6. It establishes the qualifications and duties of supervisory appraisers.

LD 1725 An Act To Provide for the 2014 and 2015 Allocations of the State Ceiling on Private Activity Bonds

**P & S 20
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING WILLETTE	OTP-AM	S-394

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2014 and 2015 among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-394)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2013, chapter 20 establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2014 and 2015 among the state-level issuers of tax-exempt bonds.

LD 1735 An Act To Amend Forester Licensing Requirements

PUBLIC 527

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING FREDETTE	OTP-AM	S-448

This bill changes the laws governing the licensure of foresters to repeal the requirement for an applicant for an intern forester license or forester license to submit three references as part of the license application. The bill also makes several other changes, including allowing certain persons to engage in forestry before being licensed, allowing a holder of a forestry degree from an approved school to take the examination before meeting all qualifications for licensure, making changes in the forester licensing laws regarding reciprocal agreements and adding a new provision to permit the Board of Licensure of Foresters to waive the internship requirement for an applicant who has at least 24 months of forestry experience as an employee of the Federal Government within the six-year period prior to application.

Committee Amendment "A" (S-448)

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This amendment makes changes to the laws governing the examination requirements for applicants for a forester license by providing that an applicant with an associate degree or higher from a program that has a curriculum in forestry from a school or college approved by the board is required to pass only the examination section that tests the applicant's knowledge of the State's forestry laws, rules and practices. It also changes the effective date of the Act from June 1, 2015 to April 1, 2015 and specifies that an applicant with an intern forester license and with experience earned as a forester pursuant to rule currently in effect may not be required to meet additional forestry experience standards adopted by the board after the effective date of this Act in order to qualify for a forester license.

Enacted Law Summary

Public Law 2013, chapter 527 makes changes to the laws governing the examination requirements for applicants for a forester license by providing that an applicant with an associate degree or higher from a program that has a curriculum in forestry from a school or college approved by the board is required to pass only the examination section that tests the applicant's knowledge of the State's forestry laws, rules and practices. It also changes the effective date of the law from June 1, 2015 to April 1, 2015 and specifies that an applicant with an intern forester license and with experience earned as a forester pursuant to rule currently in effect may not be required to meet additional forestry experience standards adopted by the board after the effective date of this law in order to qualify for a forester license.

LD 1743 **Resolve, Directing the Department of Defense, Veterans and Emergency Management To Develop a Portable Voucher System To Subsidize Rental Housing for Veterans in the State **ONTP****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VILLA BURNS	ONTP	

This resolve directs the Department of Defense, Veterans and Emergency Management, in collaboration with the Maine State Housing Authority, to work with the United States Department of Housing and Urban Development and the United States Department of Veterans Affairs to develop a portable voucher system to provide rental housing assistance in the State for veterans of the United States Armed Forces.

LD 1766 **An Act To Clarify and Update a Nurse's Authority To Administer Medication **PUBLIC 540****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C GRAHAM	OTP-AM ONTP	S-459 S-465 JOHNSON C

Current law allows a nurse to execute a medical regimen ordered by a licensed physician, podiatrist or dentist or an individual acting under the delegated authority of a physician, podiatrist or dentist. This bill aligns a nurse's authority so that it is consistent with existing law to execute a medical regimen if ordered by a licensed medical professional operating within the scope of the licensed medical professional's authority to prescribe medications, substances or devices.

Committee Amendment "A" (S-459)

This amendment is the majority report of the committee. It changes the statutory definition of "professional nursing" by adding naturopathic doctors and other licensed health care practitioners operating within the scope of their authority to prescribe medications, substances or devices to the list of legally authorized individuals for whom a professional nurse may execute a medical regimen. It removes references in the bill to "medical professional" and

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instead uses the terms "naturopathic doctor" and "health care practitioner."

Senate Amendment "A" To Committee Amendment "A" (S-465)

This amendment makes the following changes to Committee Amendment "A."

1. It removes references to naturopathic doctors and health care practitioners in the list of legally authorized individuals for whom a professional nurse may execute a medical regimen and instead uses the term "legally authorized licensed professional."
2. It delays the effective date until January 1, 2015.

Enacted Law Summary

Public Law 2013, chapter 540 changes the statutory definition of "professional nursing" by adding naturopathic doctors and other licensed health care practitioners operating within the scope of their authority to prescribe medications, substances or devices to the list of legally authorized individuals for whom a professional nurse may execute a medical regimen. It removes references in the bill to "medical professional" and instead uses the terms "naturopathic doctor" and "health care practitioner."

LD 1790 An Act To Designate Maine State Housing Authority To Receive Funds P & S 23
from the National Housing Trust Fund EMERGENCY

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

This bill designates the Maine State Housing Authority as the entity to receive and allocate funds from the National Housing Trust Fund established by the federal Housing and Economic Recovery Act of 2008.

Enacted Law Summary

Private and Special Law 2013, chapter 23 designates the Maine State Housing Authority as the entity to receive and allocate funds from the National Housing Trust Fund established by the federal Housing and Economic Recovery Act of 2008.
Private and Special Law 2013, chapter 23 was enacted as an emergency measure effective March 22, 2014.

LD 1793 Resolve, Regarding Legislative Review of Chapter 12: Rules for Mixed RESOLVE 103
Martial Arts, a Late-filed Major Substantive Rule of the Combat Sports EMERGENCY
Authority of Maine

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

This resolve provides for legislative review of Chapter 12: Rules for Mixed Martial Arts, a major substantive rule of the Combat Sports Authority of Maine that was filed outside the legislative rule acceptance period.

Enacted Law Summary

Resolve 2013, chapter 103 provides for legislative review of Chapter 12: Rules for Mixed Martial Arts, a major substantive rule of the Combat Sports Authority of Maine that was filed outside the legislative rule acceptance period.

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Resolve 2013, chapter 103 was finally passed as an emergency measure effective April 3, 2014.

LD 1798 An Act To Implement the Recommendations of the Task Force Veto Sustained
Convened by the Maine Labor Relations Board Regarding
Compensation for the Panel of Mediators

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-702

This bill was reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Resolve 2013, chapter 26, section two. As required by the resolve, the Maine Labor Relations Board submitted to the committee its report on the question of mediator compensation and its impact on the recruitment and retention of able labor mediators and the public sector collective bargaining process as a whole, with recommendations and draft implementing legislation that would provide reasonable compensation for the members of the Panel of Mediators. This bill incorporates all of the changes to law that the board recommended in its report.

The bill increases the payment for mediation services provided by the members of the Panel of Mediators from \$100 for each consecutive four-hour period to \$600 per whole or partial calendar day. The bill eliminates the provisions permitting the mediators to collect reimbursement for expenses incurred and to charge for more than one dispute in the same calendar day.

Committee Amendment "A" (H-702)

This amendment removes the provision of the bill that disallowed the Panel of Mediators from being compensated for traveling and other expenses. This amendment more accurately reflects the recommendations in the Maine Labor Relations Board mediator compensation report.

The amendment also adds an appropriations and allocations section.

LD 1799 An Act To Amend the Laws Governing Charitable Solicitations PUBLIC 539

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE KATZ	OTP-AM	H-778 H-804 HERBIG

This bill amends the Charitable Solicitations Act to limit the scope and application of the Act to professional solicitors, which are persons or entities that solicit contributions from the public on behalf of a charitable organization in exchange for a fee or other remuneration, thus excluding from regulation those persons who solicit donations on behalf of a charitable organization without remuneration. As in current law, an employee, salaried officer, attorney, accountant or investment officer of a charitable organization is not considered a professional solicitor. This bill also changes the definition of "charitable organization" to remove the exclusion of organizations serving religious purposes; the effect of this change is that a professional solicitor is subject to regulation under the Act, regardless of the charitable organization for which donations are being solicited.

Committee Amendment "A" (H-778)

This amendment removes provisions in the bill that propose to repeal licensure requirements for charitable organizations. It repeals the requirement that charitable organizations annually provide a determination letter from the United States Internal Revenue Service. It clarifies the length of time that a professional solicitor's bond

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remains in effect.

House Amendment "B" To Committee Amendment "A" (H-804)

This amendment amends Committee Amendment "A" as follows.

This amendment specifies that a charitable organization is a person or entity that holds itself out to be organized or operated for any charitable purpose and that solicits, accepts or obtains contributions for a charitable purpose.

This amendment also removes from the bill, the repeal of the law related to the maintenance and production of records.

Enacted Law Summary

Public Law 2013, chapter 539 amends the Charitable Solicitations Act to limit the scope and application of the Act to professional solicitors, which are persons or entities that solicit contributions from the public on behalf of a charitable organization in exchange for a fee or other remuneration, thus excluding from regulation those persons who solicit donations on behalf of a charitable organization without remuneration. This law repeals the requirement that charitable organizations annually provide a determination letter from the United States Internal Revenue Service and it clarifies the length of time that a professional solicitor's bond remains in effect. The law changes the definition of "charitable organization" to remove the exclusion of organizations serving religious purposes; the effect of this change is that a professional solicitor is subject to regulation under the law, regardless of the charitable organization for which donations are being solicited. It specifies that a charitable organization is a person or entity that holds itself out to be organized or operated for any charitable purpose and that solicits, accepts or obtains contributions for a charitable purpose.

LD 1802 An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs

**PUBLIC 511
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM	S-437

Under federal law, Reed Act funds may be used to maintain a state's unemployment and public employment system or to pay regular unemployment benefits. Maine received \$32,486,816 in Reed Act funds in 2002. Approximately \$9,760,000 was appropriated for administrative purposes in 2003, and an additional \$5,200,000 was appropriated for administrative purposes in 2007. These appropriations were made primarily to cover technological and infrastructure needs and improvements for delivering unemployment, employment and labor market information services to Maine workers and employers. Currently, approximately \$16,803,000 of the 2002 Reed Act distribution remains in the federal Unemployment Insurance Trust Fund. Additionally, in 2009 Maine received a \$28,200,000 distribution to the trust fund under the federal American Recovery and Reinvestment Act of 2009, which may be allocated to cover administrative expenses under the same conditions as Reed Act funds. This distribution remains untouched in the Unemployment Insurance Trust Fund.

This bill authorizes the use of \$17,500,000 of the funds in the Unemployment Trust Fund, requiring that all of the 2002 Reed Act funds be used first before using any of the American Recovery and Reinvestment Act of 2009 funds to meet the \$17,500,000 allocation. The funds will be used to maintain and operate the State's unemployment and employment programs, including paying the administrative costs required to administer the unemployment insurance program, delivering employment assistance services through the Department of Labor's career center system and providing labor market information program services for Maine workers and employers.

Committee Amendment "A" (S-437)

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This amendment of the Joint Standing Committee on Labor, Commerce, Research and Economic Development amends the bill by adding an appropriations and allocations section, which includes allocation of funds for the costs associated with adding ten Customer Representative Specialist - Benefits positions, ten Claims Adjudicator positions and four Hearings Examiner positions to address understaffing in areas of claims processing, adjudication and appeals.

Enacted Law Summary

Public Law 2013, chapter 511 authorizes the use of \$17,500,000 of the funds in the Unemployment Trust Fund, requiring that all of the 2002 Reed Act funds be used first before using any of the American Recovery and Reinvestment Act of 2009 funds to meet the \$17,500,000 allocation. The funds will be used to maintain and operate the State's unemployment and employment programs, including paying the administrative costs required to administer the unemployment insurance program, adding 24 new positions to address understaffing in areas of claims processing, adjudication and appeals, delivering employment assistance services through the Department of Labor's career center system and providing labor market information program services for Maine workers and employers.

Public Law 2013, chapter 511 was enacted as an emergency measure effective April 3, 2014.

LD 1832 An Act To Increase Employment Opportunities for Veterans

PUBLIC 576

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE LONGSTAFF	OTP-AM	S-477 S-532 HILL

This bill allows a private employer to have a veteran preference employment policy. The policy must be in writing and must be applied uniformly to employment decisions regarding hiring, promotion or retention during a reduction in workforce.

Committee Amendment "A" (S-477)

This amendment amends the bill to include in the definition of "veteran," a person who has served in the national guard of any state or the Reserves of the United States Armed Forces.

The amendment also adds an appropriations and allocations section to provide funding for a Labor and Safety Inspector position to provide oversight and enforcement of the veteran preference employment policy.

Senate Amendment "A" To Committee Amendment "A" (S-532)

This amendment removes the General Fund appropriation for a Labor and Safety Inspector position.

Enacted Law Summary

Public Law 2013, chapter 576 allows a private employer to have a veteran preference employment policy. The policy must be in writing and must be applied uniformly to employment decisions regarding hiring, promotion or retention during a reduction in workforce.

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The purpose of this bill is to improve Maine's overall competitiveness and ability to attract major private investment to the State by creating a mechanism for competing for major business expansion and creation projects, referred to as transformational business expansion projects, which are the construction, development, rehabilitation, expansion, modernization or acquisition of any building, structure, system, machinery, equipment or facility in a military redevelopment zone that has a projected cost of \$50,000,000 or more and the operation of which is projected to result in a net gain of at least 1,500 job opportunities. An applicant who is certified by the Commissioner of Economic and Community Development as a transformational business expansion project is eligible for the following incentives and benefits:

1. A 20-year corporate income tax credit that includes a 100% credit for the first ten years that the project is in operation and a 50% credit for the next ten years that the project is in operation;
2. A sales tax exemption and reimbursement for expenditures made for the project for up to 20 years;
3. An annual reimbursement for up to five years from the Efficiency Maine Trust for electric rates that exceed the national average industrial rate as determined by the United States Energy Information Administration and certified by the Public Utilities Commission;
4. Employment tax increment financing benefits for qualified investments. The reimbursement is equal to 80% of Maine income tax withheld each year for which reimbursement is requested and attributed to qualified employees for a period of no more than ten years. For years of operation beginning after the 10th year until the 20th year, the certified applicant is eligible for a reimbursement of 50% of Maine income tax withheld each year for which reimbursement is requested. This benefit expires after December 31, 2034;
5. Access to a pool of up to \$500,000,000 in bond funding for transformational business expansion projects to provide long-term, credit-enhanced financing at taxable bond rates. Financing assistance for a single project may not exceed \$400,000,000;
6. Access to workforce development assistance, training and recruitment by the Commissioner of Economic and Community Development and the Commissioner of Labor, who are required to work with agencies across State Government involved in employment or skill training to identify and marshal financial resources to help a transformational business expansion project recruit and train workers; and
7. Access to the benefits available under the Governor's Jobs Initiative Program, including access to funds from the Competitive Skills Scholarship Program.

Additionally, this bill prohibits requiring a person, as a condition of employment or continuation of employment at a transformational business expansion project, to join a labor organization or pay any labor organization dues or fees and establishes, in a manner similar to laws governing the shipbuilding facility credit, a preference for Maine workers, companies and bidders as part of the contractual inducement for the qualified applicant to make a qualified investment and for the State to provide the incentives.

Committee Amendment "A" (S-516)

This amendment is a minority report of the committee and makes the following changes to the bill.

1. It adds language restricting the amount of bond proceeds used to fund capital reserve funds for revenue obligation securities issued relating to loans for transformational business expansion projects.
2. It transfers the statutory provisions governing the certification as a qualified transformational expansion project business in a military redevelopment zone from the tax code to the section of law governing Pine Tree Development Zones.

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- 3. It requires that, prior to certification as a qualified transformational expansion project business, the business must first become certified as a qualified Pine Tree Development Zone business.
- 4. It changes the process by which the Commissioner of Economic and Community Development determines that a qualified transformational expansion project business is eligible to receive a certificate and the terms for revocation of the certificate and clarifies the term "incentives".
- 5. It changes the term "transformational business expansion project" to "qualified transformational expansion project business" in all the provisions of the bill except those affecting the Finance Authority of Maine Act.
- 6. It clarifies that if a business's certificate is revoked, the business is still responsible for fulfilling its responsibilities under any long-term, credit-enhanced financing that it received as a transformational business expansion project from the Finance Authority of Maine.
- 7. It clarifies the reimbursement process in the provisions governing the annual reimbursement for certain electricity supply costs for qualified transformational expansion project businesses.
- 8. It adds language in the provisions in the bill governing the right to refrain from joining a union in transformational expansion project businesses to clarify that the prohibitions are limited to employment in a military redevelopment zone in a qualified transformational expansion project business.
- 9. It adds an exemption from sales tax for tangible personal property and for the transmission and distribution of electricity to the incentives for a qualified transformational expansion project business.

Committee Amendment "B" (S-517)

This amendment, which is a minority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, is identical to the committee's other minority report except for two changes. It removes the "right to refrain" provisions that prohibit requiring a person, as a condition of employment or continuation of employment at a qualified transformational expansion project business, to join a labor organization or pay any labor organization dues or fees. Additionally the amendment removes the provision in the bill and Committee Amendment "A" that allows a qualified transformational expansion project business engaged in workforce training under the Governor's Jobs Initiative Program to be eligible for funds under the Competitive Skills Scholarship Program.

LD 1836 An Act To Establish the Commission on Promoting Manufacturing in ONTP
Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HERBIG	ONTP	

This bill establishes the Commission on Promoting Manufacturing in Maine. The commission is charged with establishing a plan to promote Maine as a more desirable place in which to develop manufacturing businesses, to provide education and training to prepare workers for new manufacturing and to make manufacturing in Maine more promotable.

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LD 1846 An Act To Require the Licensure of Scrap Metal Recyclers and Mobile Scrap Metal Dealers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF PATRICK	ONTP	

This bill requires scrap metal recyclers and mobile scrap metal dealers, as defined in the bill, to be licensed. The bill repeals the provision of law defining "scrap metal processor," but requires scrap metal recyclers and mobile scrap metal dealers to meet the same record-keeping requirements and restrictions as scrap metal processors.

This bill requires the Secretary of State to adopt routine technical rules establishing standards for scrap metal recyclers and mobile scrap metal dealers.

This bill also corrects cross-references and makes other technical changes.

LD 1854 An Act Regarding Compensation for the Panel of Mediators PUBLIC 553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING		S-525 CUSHING

This bill increases the payment for mediation services provided by the members of the Panel of Mediators from \$100 to \$300 for a four-hour period and removes the provision that allows mediators to be paid on a per-dispute-mediated basis. This bill also requires the Maine Labor Relations Board to report on the effect of these changes to payment of mediators.

This bill was acted upon without reference to committee.

Senate Amendment "A" (S-525)

This amendment removes a provision in the bill that proposed to repeal a law allowing mediators to be paid on a per-dispute-mediated basis. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 553 increases the payment for mediation services provided by the members of the Panel of Mediators from \$100 to \$300 for a four-hour period. This bill also requires the Maine Labor Relations Board to report on the effect of these changes to payment of mediators.

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

SUBJECT INDEX

Business Regulation

Enacted

LD 1482 An Act To Amend the Motor Vehicle Franchise Laws PUBLIC 534

Not Enacted

LD 1458 Resolve, To Establish the Commission To Study Business Format Franchising INDEF PP

Consumer Protection

Enacted

LD 1799 An Act To Amend the Laws Governing Charitable Solicitations PUBLIC 539

Not Enacted

LD 449 An Act To Ensure Consumer Choice in the Purchase of Prescription Drugs ONTP

LD 1328 An Act To License Home Building and Improvement Contractors Leave to Withdraw Pursuant to Joint Rule 310 ONTP

LD 1648 An Act To Protect Maine Consumers from Abusive and Deceptive Debt Collection Practices ONTP

LD 1659 An Act To Amend the Uniform Deceptive Trade Practices Act ONTP

Economic Development-Agencies

Enacted

LD 1666 An Act To Simplify the Audit Procedures of the Maine Rural Development Authority PUBLIC 465

LD 1725 An Act To Provide for the 2014 and 2015 Allocations of the State Ceiling on Private Activity Bonds P & S 20 EMERGENCY

Not Enacted

LD 314 An Act To Create the Office of Marketing ONTP

LD 1565 Resolve, Directing the Department of Economic and Community Development To Report on the Use of Funds Appropriated To Support the Code Enforcement Officer Training and Certification Program Died On Adjournment

Economic Development-Programs

Not Enacted

LD 1633 An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits Majority (ONTP) Report

LD 1835 An Act To Improve Maine's Ability To Attract Major Private Investments Report A (ONTP)

LD 1836 An Act To Establish the Commission on Promoting Manufacturing in Maine ONTP

Employment Practices

Enacted

LD 1622 An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response PUBLIC 477 EMERGENCY

LD 1832 An Act To Increase Employment Opportunities for Veterans PUBLIC 576

Not Enacted

LD 1669	An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace	Died Between Houses
LD 1698	An Act To Streamline the Work Permitting Process for Minors and To Conform Allowable Places That Minors May Work to Federal Law	Died Between Houses

Housing

Enacted

LD 1790	An Act To Designate Maine State Housing Authority To Receive Funds from the National Housing Trust Fund	P & S 23 EMERGENCY
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Not Enacted

LD 1743	Resolve, Directing the Department of Defense, Veterans and Emergency Management To Develop a Portable Voucher System To Subsidize Rental Housing for Veterans in the State	ONTP
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Labor Department

Enacted

LD 1677	An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor	PUBLIC 467
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Labor Relations

Enacted

LD 1854	An Act Regarding Compensation for the Panel of Mediators	PUBLIC 553
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Not Enacted

LD 1798	An Act To Implement the Recommendations of the Task Force Convened by the Maine Labor Relations Board Regarding Compensation for the Panel of Mediators	Veto Sustained
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Miscellaneous

Not Enacted

LD 1710	An Act To Retain Call Centers in Maine	Died On Adjournment
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Occupational and Professional Regulation

Enacted

LD 1230	An Act To Improve Access to Oral Health Care	PUBLIC 575
LD 1700	Resolve, Regarding Legislative Review of Chapter 13: Fees for Boxing Events and Authorized Participants, a Major Substantive Rule of the Combat Sports Authority of Maine	RESOLVE 90 EMERGENCY
LD 1724	An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law	PUBLIC 547
LD 1735	An Act To Amend Forester Licensing Requirements	PUBLIC 527
LD 1766	An Act To Clarify and Update a Nurse's Authority To Administer Medication	PUBLIC 540
LD 1793	Resolve, Regarding Legislative Review of Chapter 12: Rules for Mixed Martial Arts, a Late-filed Major Substantive Rule of the Combat Sports Authority of Maine	RESOLVE 103 EMERGENCY

Not Enacted

LD 788	An Act To Provide Vehicle Owners and Repair Facilities Access to Vehicle Diagnostic and Repair Information and Equipment	ONTP
LD 1310	An Act To Improve Access to Dental Care through Empowering the Denturist Subcommittee of the Board of Dental Examiners	Veto Sustained
LD 1624	An Act Concerning Pricing Disclosure Requirements and Oversight of Pharmacy Benefits Managers	Majority (ONTP) Report
LD 1846	An Act To Require the Licensure of Scrap Metal Recyclers and Mobile Scrap Metal Dealers	ONTP

Occupational Safety

Enacted

LD 1643	An Act To Enable the Bureau of Labor Standards To Access Federal Reimbursement by Amending State Law To Conform to Federal Law	PUBLIC 473
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Retirement

Not Enacted

LD 1154	An Act To Establish the Maine Length of Service Award Program	Veto Sustained
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Unemployment Compensation

Enacted

LD 1668	An Act To Expedite Training Waiver Decisions for Unemployment Claimants by Transferring Original Jurisdiction from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation	PUBLIC 474 EMERGENCY
LD 1701	An Act To Amend the Work-sharing Program To Conform with Federal Law	PUBLIC 448 EMERGENCY
LD 1802	An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs	PUBLIC 511 EMERGENCY

Not Enacted

LD 690	An Act To Ensure Efficiency in the Unemployment Insurance System	ONTP
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Workers' Compensation

Not Enacted

LD 1641	An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation	Veto Sustained
LD 1833	Resolve, Directing the Workers' Compensation Board To Further Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance	Veto Sustained

Workforce Investment

Not Enacted

LD 1650	An Act To Create a Program To Provide Training for Unemployed Workers	ONTP
LD 1658	An Act To Expand and Improve Employment Opportunities in the State	ONTP

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