

February 26, 2013

Dear MADA Member:

Maine Legislature opened its session - slowly.

The 2013 Session of the Maine Legislature opened in early January with a significant number of newly elected Legislators and a near total change in leadership positions in both the House and the Senate. The overall commanding lead in numbers between the parties entitled the Democratic majority to the positions of Speaker of the House and President of the Senate and majority status in both bodies, while Republicans have returned to their minority status held for a long period prior to the last two years.

Legislative leadership decided to allow Legislators until mid-January to submit proposals for consideration, and thus the Legislature is gearing up very slowly to the normal pace of public hearings and worksessions on proposals which are put into printed form as Legislative Documents (LD). It is expected that nearly 1800 proposals from Legislators, plus an additional number that may appear through the Governor's office or Legislative leadership, will advance to the Committee level for public comment and deliberations by the Committee. As always, MADA participates in the Legislature on a daily basis either through staff or representatives of the Preti, Flaherty law firm which MADA utilizes for legal and legislative needs.

As part of its legislative participation, MADA and its attorneys review every LD that is printed to determine if there is any potential impact on dealers or dealership operations. As of last week, the Legislature had printed approximately 650 LDs. This first Legislative News Bulletin provides a brief outline of a number of LDs which MADA has identified as having some potential impact on our industry. MADA does not testify or offer a position on all of these LDs, although there are a number in which MADA will make a presentation at the public hearing. Future Legislative News bulletins will provide updated information.

Should you have any questions or concerns on any of these, or any other piece of legislation, please contact your MADA office.

Sincerely,

Thomas T. Brown, Jr.  
President

TTB/net

Enclosures

# M. A. D. A.

## LEGISLATIVE NEWS

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- LD 1** Amends a variety of sections of the workers compensation laws, and of particular interest is a section which increases an employer's obligation to reinstate a workers compensation claimant within two years of the injury/illness rather than the current one year if the employer has 200 employees or less.
- LD 7** Adjusts the funding of the waste oil program by changing the premium per gallon of new motor oil. **Committee Voted** Ought-Not-To-Pass.
- LD 21** Would remove the limitation on tire sizes installed on motor vehicles, which under current law is limited to two sizes on either side of the manufacturer's recommended size. **Committee Voted** unanimously Ought-To-Pass with amendment clarifying maximum frame height, plus a sponsor amendment to require a disclosure about potential warranty and safety issues if replacement tires are outside manufacturer specifications.
- LD 23** Reduces the amount hospitals can charge for medical records in workers compensation cases.
- LD 65** Reduces the capital gains tax if an asset is held for more than one year.
- LD 66** Would mandate that all operators and passengers on motorcycles wear a helmet. **Committee Voted** Ought-Not-To-Pass.
- LD 68** Would eliminate the ability to use a hand held mobile telephone while operating a motor vehicle. **Committee Voted** Ought-Not-To-Pass.
- LD 85** Changes length of driver license suspension for OUI convictions and eliminates requirement of an ignition interlock device on that person's motor vehicle.
- LD 90** Requires the Legislature to consider law changes that would address workforce readiness for Maine-based jobs, review economic growth programs for downtowns, and help small businesses innovate and expand.
- LD 105** Would allow 5% ethanol mix in gasoline rather than the current 10% ethanol content.
- LD 115** Would prohibit corn-based ethanol in Maine if at least two other New England states adopted the same prohibition.

- LD 116** Would require that newly hired employees of a qualified Pine Tree Development Zone business be paid a "livable wage".
- LD 119** Exempts from the sales tax the first \$1,000 of internet purchases from out-of-state sellers. **Committee Voted** Ought-Not-To-Pass.
- LD 133** Would allow the driver of a motor vehicle to show proof of insurance by use of an electronic device rather than having a piece of paper on his person or in the glove box.
- LD 148** Would allow pharmacists and pharmacy interns to administer vaccines to persons at least nine years old.
- LD 149** Would allow gold and silver in coin or bar form to become legal tender if the buyer and seller agree on the fair market value of that gold or silver.
- LD 158** Would require notice of a data security breach to be immediately sent to State regulators and to be sent within 30 days to affected Maine residents.
- LD 161** Would limit the development of health insurance premium based on a separate geographic factor.
- LD 162** Eliminates the certificate of need process for health services and procedures.
- LD 167** Would change the calculation of a motor vehicle excise tax from MSRP to purchase price net of all rebates and dealer discounts.
- LD 234** For members of a LLC or S Corp., would allow an income tax credit against taxes imposed on pro rata share of a pass through entity's income.
- LD 235** Could impose workers compensation liability from the moment an employee is requested to conduct an after-hours assignment, such as an on-road service call.
- LD 261** Allows gasoline retailers the option not to sell fuel with more than 10% ethanol.
- LD 265** Would repeal the prohibition on employers from controlling concealed weapons on the employer's property.
- LD 270** Would allow changes, not yet specified, to the motor vehicle inspection program.
- LD 309** Directs the Attorney General to develop a program to safeguard the personal information of minors.
- LD 313** Would require a business which collects personal information online to post a privacy statement with significant information.
- LD 317** Would require a thorough review of the Business Equipment Tax exemption and reimbursement programs.

- LD 318** Would establish a sales tax holiday in January for tangible personal property selling for \$1,000 or less.
- LD 319** Would start a process for Maine's participation in the national effort toward a Streamlined Sales and Use Tax approach to consistently apply a sales/use tax across State boundaries, and also could require out-of-state retailers which sell to Maine residents to register with Maine Revenue Services and collect Maine sales/use tax.
- LD 341** Would allow an employer an income tax credit up to \$1500 if Maine National Guard veteran of Iraq or Afghanistan is hired and employed for at least 185 days.
- LD 347** Would require health insurance to cover autism up to age 21.
- LD 358** Reduces the Maine Estate Tax exclusion from \$2 million to \$1 million.
- LD 361** Creates an income tax credit up to \$1000 for purchase of a plug-in electric vehicle.
- LD 375** Would allow the State to collect spousal support in the same manner as child support.
- LD 393** Limits interest rates to 18% maximum on any consumer loan or credit card.
- LD 406** Would require antique autos to be inspected annually.
- LD 418** Would re-write definitions of employee, employer and independent contractor, require additional employee notices, lengthen recordkeeping, and increase penalties for non-compliance with minimum wage and employee classification law.
- LD 420** Adjusts state agency confidentiality rules for several departments.
- LD 427** Would allow a municipality to adopt by referendum a local option sales tax of up to 5% on all items subject to Maine sales tax.
- LD 431** Would allow the Department of Labor to issue work permits to minors and conforms additional sections of Maine's child labor laws to federal statutes.
- LD 435** Would require online retailers to register with Maine Revenue Services and collect Maine sales tax.
- LD 443** Seeks to amend workers compensation law in unspecified ways.
- LD 444** Would expand workers compensation benefits.
- LD 446** Would require Maine Department of Transportation to develop a less corrosive road de-icing strategy.
- LD 449** Would allow Maine citizens to purchase mail order prescription medication from pharmacies in other countries.

- LD 453** Would prohibit greater than a 10% ethanol content in gasoline if at least two other New England states adopt the same requirement.
- LD 472** Requires motor vehicles with a suspension lifted higher than original manufacture to be inspected and issued a suspension lift certification if the altered vehicle meets standards developed by Maine State Police.
- LD 483** Makes several changes to Maine's on-premises sign laws.
- LD 520** Would establish standardized pricing for health care procedures.
- LD 523** Mandates health insurance coverage for hearing aids.
- LD 537** Requires an employee eligible for an employer-sponsored health insurance plan to enroll for that coverage, rather than MaineCare.
- LD 546** Suspends operation of Maine's high risk health insurance pool, and its assessments, during 2014, 2015 and 2016 but allows additional assessments to fund any losses through December 31, 2013.
- LD 547** Would begin Maine's development of health insurance exchanges in accordance with federal law.
- LD 588** Would eliminate the Maine Turnpike Authority, and transfer that responsibility to the Maine Department of Transportation.
- LD 589** Would create a Class C crime for a driver if an accident caused by texting while driving resulted in death or serious bodily injury.
- LD 602** Adjusts the amounts and maximum allowable interest rates for consumer loans up to \$8,000.
- LD 611** Raises minimum wage to \$8.50 per hour on October 1, 2013 and annually thereafter based on changes in the Consumer Price Index.
- LD 614** Changes the gas tax from a specific amount to a base amount plus 5% of the retail price of a gallon.
- LD 621** Changes the toll system on the Maine Turnpike.
- LD 624** Provides an income tax credit to an employer which participates in a qualified adopt-a-school activity.
- LD 627** Mandates health insurance coverage for orally administered anti-cancer medication.