

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

**STAFF:**

HENRY FOUTS, LEGISLATIVE ANALYST  
JANET STOCCO, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla/>

**MEMBERS:**

SEN. AMY F. VOLK, CHAIR  
SEN. BRIAN D. LANGLEY  
SEN. SHEENA LEE BELLOWS

REP. RYAN M. FECTEAU, CHAIR  
REP. ANNE-MARIE MASTRACCIO  
REP. DILLON F. BATES\*  
REP. JAMES R. HANDY  
REP. DONNA R. DOORE  
REP. MICHELLE DUNPHY\*  
REP. MICHAEL A. SYLVESTER  
REP. SUSAN M. W. AUSTIN  
REP. LAWRENCE E. LOCKMAN  
REP. JOEL R. STETKIS  
REP. KAREN R. VACHON

\*Committee member for a portion of the session

# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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***

This amendment is the majority report of the committee. It strikes and replaces the bill with requirements regarding the inquiry into and consideration of the criminal history information of job applicants by public employers, including the following.

1. It prohibits a public employer from requesting criminal history information on an initial employment application form, except when a federal or state law prohibits persons with certain criminal histories from holding the position.
2. It allows a public employer to request criminal history information during an interview or after the prospective employee has been determined otherwise qualified for the position.
3. It prohibits a public employer from considering certain categories of criminal history information, unless specifically required by federal or state law.
4. It requires a public employer who denies an employment applicant a position solely or in part based on the applicant's criminal history information to provide the applicant written information on the basis for the denial and any available process for contesting the denial.
5. It requires a public employer to maintain statistical information regarding the public employer's use of criminal background checks, including the number of denials of applicants based on those criminal background checks. These records are public records subject to Maine's Freedom of Access Act.
6. It designates as confidential any information pertaining to an employment applicant's criminal history information that was obtained by a public employer in conjunction with the hiring process and prohibits disclosure of such information by the public employer except as otherwise specifically required by law.

The amendment also includes an appropriations and allocations section.

### **House Amendment "A" To Committee Amendment "A" (H-750)**

This amendment applies the requirements in the committee amendment only to state government employers. It removes school administrative units, municipalities, counties and other political subdivisions of the State from the requirements in the committee amendment. The amendment also reduces the appropriation in the committee amendment to reflect a revised cost estimate.

**LD 1587**      **Resolve, To Study the Feasibility of the Establishment of Paid Family Leave in the State**      **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM ONTP	H-699

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill creates a paid family medical leave program. The qualifying conditions for the program are patterned after the unpaid family medical leave program in current law but are extended to allow leave for the serious health condition of a half-sibling, step-sibling, parent-in-law, brother-in-law, sister-in-law and for the death or serious health condition of such relative while on active duty with the military.

The program requires employers that employ 15 or more employees to deduct contributions from employee paychecks, which must be no more than 0.5% of the employee's wages, and for the employers to submit contributions to the Department of Labor, Bureau of Unemployment Compensation, which is charged with administering the program. Smaller employers may opt in to the program, in one year intervals (or up to three year

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

intervals, depending on rulemaking). Self-employed persons may opt in to the program for at least two years (or up to four years, depending on rulemaking) and must pay their contributions directly to the bureau.

In order to be eligible for benefits, an individual must be an employee entitled to benefits under the unemployment compensation system, or a self-employed person, and have contributed to the program for 12 of the last 18 months. The program pays benefits of up to 66% of an employee's wages or self-employed person's earnings capped at the same maximum amount as available for unemployment benefits.

The bill directs the Department of Labor to develop an implementation plan dealing with staffing, technology, start-up expense, rulemaking and scheduling to begin the program on its effective date of October 1, 2019. The bill also repeals the current unpaid family medical leave law effective October 1, 2019.

### **Committee Amendment "A" (H-699)**

This amendment is the majority report of the committee. It strikes the bill and replaces it with a resolve that directs the University of Maine System to carry out a study to examine costs and benefits of implementing a paid family leave program in the State, if funding resources are available to enable the University of Maine System to conduct such a study, and to submit a report of its findings to the joint standing committee of the Legislature having jurisdiction over labor matters. The committee is authorized to report out a bill based on the report to the First Regular Session of the 129th Legislature.

### **LD 1654      An Act To Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits and Making Other Changes to the Program**

**PUBLIC 440**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T FREDETTE K	OTP-AM	S-472

This bill extends by five years the end date for Pine Tree Development Zone certification and benefits.

### **Committee Amendment "A" (S-472)**

This amendment strikes the bill and changes the title. It amends the Pine Tree Development Zone program as follows.

1. It extends the end date for Pine Tree Development Zone certification and benefits by three years, instead of five years as proposed in the bill.
2. It requires the Pine Tree Development Zone program to be evaluated in accordance with existing tax expenditure review provisions in the Maine Revised Statutes, Title 3, chapter 37 and specifies the public policy objective of the program that should be used for evaluation as well as performance measures to be considered for that objective. It also requires the Office of Program Evaluation and Government Accountability to submit a report of its evaluation of the program by January 15, 2021 and 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 130th Legislature in response to the report's recommendations.
3. It amends the reporting requirements of qualified Pine Tree Development Zone businesses, the Commissioner of Economic and Community Development and the State Tax Assessor by requiring the annual reports to contain additional specific categories of information and changing the date those reports are due.
4. For businesses applying to the program on or after January 1, 2019, it requires a qualified Pine Tree Development Zone business to obtain certification from the Commissioner of Economic and Community