

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)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

CHAPTER 156
S.P. 110 - L.D. 369

**An Act Authorizing Earned
Employee Leave**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §42-B, sub-§1, ¶¶E and F, as enacted by PL 2017, c. 219, §2, are amended to read:

E. Video display terminal safety as described in section 252, subsection 1; ~~and~~

F. Minimum wage and overtime provisions as described in section 664-; ~~and~~

Sec. 2. 26 MRSA §42-B, sub-§1, ¶G is enacted to read:

G. Earned paid leave.

Sec. 3. 26 MRSA §637 is enacted to read:

§637. Earned paid leave

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employment" has the same meaning as in section 1043, subsection 11, but does not include employment in a seasonal industry as defined in section 1251.

B. "Employer" has the same meaning as in section 1043, subsection 9.

C. "Employee" means a person engaged in employment.

2. Earned paid leave. An employer that employs more than 10 employees in the usual and regular course of business for more than 120 days in any calendar year shall permit each employee to earn paid leave based on the employee's base pay as provided in this section.

3. Accrual. An employee is entitled to earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins at the start of employment, but the employer is not required to permit use of the leave before the employee has been employed by that employer for 120 days during a one-year period.

4. Rate. An employee while taking earned leave must be paid at least the same base rate of pay that the employee received immediately prior to taking earned leave and must receive the same benefits as those provided under established policies of the employer pertaining to other types of paid leave.

5. Notice. Absent an emergency, illness or other sudden necessity for taking earned leave, an employee

shall give reasonable notice to the employee's supervisor of the employee's intent to use earned leave. Use of leave must be scheduled to prevent undue hardship on the employer as reasonably determined by the employer.

6. Benefits. The taking of earned leave under this section may not result in the loss of any employee benefits accrued before the date on which the leave commenced and may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees. Nothing in this section prevents an employer from providing a benefit greater than that provided by this section.

7. Enforcement. The bureau has the exclusive authority pursuant to section 42 to enforce this section.

8. Penalties. Penalties for violations of this section are the same as those provided in section 53.

9. Preemption. A municipality or other political subdivision may not enact an ordinance or other rule purporting to have the force of law under its home rule or other authority regulating earned paid leave.

10. Rules. The Department of Labor shall adopt rules to implement and enforce the provisions of this section, including rules regarding the receipt, investigation and prosecution of complaints brought under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

11. Exception. This section does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the agreement.

12. Reporting. Beginning January 1, 2022, and annually thereafter, the Department of Labor shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters on progress made in the State to comply with this section.

Sec. 4. Effective date. This Act takes effect January 1, 2021.

Effective January 1, 2021.

CHAPTER 157
S.P. 30 - L.D. 103

**An Act To Ensure the Integrity
of For-profit Colleges and
Universities**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §10706-A is enacted to read:

§10706-A. For-profit college and university review

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adequate educational standards" means educational offerings and spending priorities that the state board finds meet the metrics established under subsection 3.

B. "Employed" means a person has obtained permanent employment and:

(1) The position is paid. If the position is an entry-level position, the salary must be at least 80% of the entry-level salary for the position as listed by the Department of Labor, Bureau of Labor Standards in its most recent report on industry employment and wages;

(2) The position requires at least 32 hours of work per week;

(3) The person has worked in the position for at least 30 days; and

(4) The position is not affiliated with a for-profit college or university from which the person graduated, its parent company or a subsidiary or affiliate of its parent company.

C. "Employment in the field of study" means employment in a job:

(1) That is included on a list of job titles for which a graduate of a program of study is qualified, as published by the for-profit college or university, and in the most recent national relational database as a job related to that program of study. If the job title is not in the national relational database, the job may be considered as employment in the field of study if the employer's description of the job matches the job description, tasks and work activities for a job that is included in the most recent national relational database as related to the program of study; or

(2) That requires the graduate to use the core skills listed in the school's published program of study taken by the graduate and the employer's written job description provides that the job requires education beyond a high school diploma, that applicants with a postsecondary credential are preferred or that the position is a supervisory or managerial position.

D. "For-profit college or university" means a postsecondary institution that:

(1) Is regulated by the department;

(2) Is eligible to participate in federal student aid programs; and

(3) Is operated by a private, for-profit business.

E. "National relational database" means the relational database developed by the United States Department of Education, Institute of Education Sciences, National Center for Education Statistics and the United States Department of Labor, Bureau of Labor Statistics relating the United States Department of Education classification of instructional program code identified for a particular program of study to a standard occupational classification.

2. Reporting. A for-profit college or university shall report annually by July 1st to the commissioner the following information in accordance with rules established by the commissioner that ensure the information is provided in a manner that allows evaluation in accordance with the metrics established under subsection 3:

A. The amount of funds, disaggregated by campus, spent on each of the following as compared with total spending by the for-profit college or university:

(1) Educational instruction;

(2) Advertising; and

(3) Executive salaries;

B. The percentage of those who graduated in the previous calendar year, disaggregated by campus and program, who have employment in the field of study;

C. The percentage of those who graduated in the previous calendar year, disaggregated by campus and program, who are employed;

D. As reported to the United States Department of Education, the percentage of graduates who graduated in the previous 3 calendar years who received federal student loans and:

(1) The percentage of those who received such loans who have defaulted; and

(2) The percentage of those who received such loans whose loan balances declined in the 3 years after repayment first became due, excluding those graduates for whom repayment was deferred as a result of military service; and

E. The design and implementation of student support services, including the process by which student complaints are handled in a timely and effective manner and information on the number and nature of complaints received and the responses to those complaints.

3. Evaluation. The commissioner shall by rule establish metrics to determine adequate educational

standards that must be met by for-profit colleges and universities. The metrics must include at least the following annual evaluation criteria.

A. The commissioner shall evaluate spending priorities by using information supplied pursuant to subsection 2, paragraph A. If the commissioner finds a for-profit college or university spends less than 50% of its total spending on instruction or more than 15% of its total spending on advertising, the commissioner must find that the for-profit college or university fails to meet adequate educational standards.

B. The commissioner shall determine whether a for-profit college or university has received necessary accreditations to allow graduates to meet professional licensing or other career standards related to the educational programs for which degrees or certificates are granted by the for-profit college or university. If the commissioner finds a for-profit college or university has not received these necessary accreditations, the commissioner must find that the for-profit college or university fails to meet adequate educational standards.

C. The commissioner shall evaluate the design and implementation of student support services, including whether the complaint process by which student complaints are handled is transparent, includes an appropriate official to receive complaints and provides appropriate and timely responses to complaints. If the commissioner finds that a for-profit college or university does not have adequate or appropriate student support services, the commissioner must find that the for-profit college or university fails to meet adequate educational standards.

4. Rules. The commissioner shall adopt rules necessary to implement this section. The rules must include definitions of "educational instruction," "advertising" and "executive salaries." Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Termination of degree-granting authority. The commissioner, after completing the evaluation under subsection 3, shall terminate the degree-granting authority of a for-profit college or university that the commissioner finds does not meet adequate educational standards.

See title page for effective date.

**CHAPTER 158
S.P. 40 - L.D. 153**

**An Act To Strengthen Testing
for Lead in School Drinking
Water**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 22 MRSA §2604-B is enacted to read:

**§2604-B. Schools, sampling and examination of
water for lead**

1. Definition. As used in this section, unless the context otherwise indicates, "school" means a private school as defined in Title 20-A, section 1, subsection 22 or a public school as defined in Title 20-A, section 1, subsection 24.

2. Lead testing. To the extent the department provides the necessary resources to a school so that the school is not required to expand or modify its activities so as to necessitate additional expenditures from local revenue, a school shall test water used for drinking or culinary purposes for lead using water testing kits or by submitting samples of water used for drinking or culinary purposes to an approved laboratory under section 2607 for lead testing. If the water is found to violate the water lead levels established by the department, the department shall issue specific guidance to the school on reducing exposure to lead according to procedures established by the department pursuant to subsection 3.

3. Rules. The department shall adopt rules necessary to implement this section, including, but not limited to, establishing water lead levels; testing protocols, including the frequency of testing; abatement or mitigation methods; procedures for the issuance of guidance to reduce exposure to lead; and public notification procedures. In adopting rules to implement this section, the department shall consider the United States Environmental Protection Agency's recommendations for reducing lead in drinking water in schools.

Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Implementation. In implementing this section, the department:

A. May not require a school to expand or modify its activities so as to necessitate additional expenditures from local revenue; and

B. Within existing resources, to the maximum extent possible, shall provide resources to schools in order to achieve the purposes of this section. If the department determines that sufficient resources are unavailable to a school in order to achieve the purposes of this section, the depart-