

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Labor

**LD 1543**

**An Act To Clarify the Use of Tips in Payment of Service Employees**

**PUBLIC 367**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-370

This bill clarifies that tips belong to the employee providing direct service and that the entire tip, less a pro-rated percentage, if any, charged by a credit card company from any credit card payment must go to the employee by the next regular payday. The bill also allows the pooling of tips in limited circumstances. The bill amends the definition of service employee by providing examples and raising the minimum amount that must be earned in tips in order to meet the definition.

### **Committee Amendment "A" (H-370)**

This amendment removes the word "evenly" from language allowing service employees to split tips and strikes a provision allowing an employer to deduct a prorated percentage of the credit card charge from an employee's tip.

### **Enacted Law Summary**

Public Law 2007, Chapter 367 clarifies that tips belong to the employee providing direct service and that the entire tip must go to the employee by the next regular payday. The bill also allows the pooling of tips in limited circumstances. The bill amends the definition of service employee by providing examples and raising the minimum amount that must be earned in tips in order to meet the definition.

**LD 1544 An Act To Enact the Home Care Consumer and Worker Protection Act**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-535

This bill creates the Home Care Consumer and Worker Protection Act. The purpose of this bill is to ensure that both the consumer and the home care services worker are given the ability to make informed, knowledgeable decisions regarding their status as employers, independent contractors and employees.

### **Committee Amendment "A" (H-535)**

This amendment strikes the bill and replaces it with language amending a section of the Maine Revised Statutes pertaining to the regulation of personal care agencies by adding placement agencies to the regulatory scheme. The amendment increases penalties for violations of the regulatory requirements of the section and adds an unallocated section that requires the Department of Health and Human Services to convene a work group to make recommendations regarding the regulation of personal care agencies and placement agencies.

**LD 1545 An Act To Protect Workers from Political or Religious Intimidation**

**ONTP**

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

This bill prohibits an employer from discriminating in employment matters on the basis of an employee's refusal to participate in meetings or communication related to the employer's political or religious views. An employee