

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## 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 124<sup>th</sup> Maine Legislature.

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:

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. 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

This is the minority report of the Joint Standing Committee on Labor. This amendment incorporates a fiscal note.

### LD 373 An Act To Facilitate Lactation at the Workplace by New Mothers

PUBLIC 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INNES	OTP-AM	H-83

This bill requires break time for nursing mothers in the workplace and requires an employer to provide a sanitary space, which must be close to the work area and may not be a bathroom, for nursing mothers to express milk in privacy.

#### Committee Amendment "A" (H-83)

This amendment clarifies that an employer, including the State, shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy. The time used may be unpaid break time or paid break time or meal time at the discretion of the employer.

#### Enacted Law Summary

Public Law 2009, chapter 84 requires that an employer, including the State, shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy for up to 3 years following childbirth. The time used may be unpaid break time or paid break time or meal time at the discretion of the employer. An employer may not discriminate against an employee who chooses to express breast milk in the workplace.

### LD 403 An Act To Increase the Minimum Wage

Carried Over

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

This bill increases the minimum wage to \$8.20 per hour in 2010 and to \$8.90 in 2011. Each year after that, the minimum wage is adjusted based on changes in prices, so that the minimum hourly wage rate maintains employee purchasing power. The price adjustment is based on the change in the Consumer Price Index.

This bill is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

### LD 409 An Act To Increase Leaves of Absence for State Employees and Officials Who Are Members of the National Guard or Reserves of the United States Armed Forces

ONTP

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

## *Joint Standing Committee on Labor*

This bill increases the paid leave of absence given to officials and employees of the State who are members of the National Guard or Reserves of the United States Armed Forces from 17 work days per year to 30 work days per year while those officials or employees are performing military duty.

**LD 496      An Act To Amend the Employment Practices Laws**

**ONTP**

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

Current law allows public employers to deduct service fees owed by an employee to a collective bargaining agent from employee's pay. This bill requires a public employer to deduct the fees.

**LD 549      An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing**

**PUBLIC 133**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	H-179 TUTTLE S-75

This bill provides that employers using substance abuse testing may use tests that have been recognized by the federal Food and Drug Administration as accurate and reliable through a clearance or approval process and directs the use of that agency's cleared or approved cutoff levels and procedures if the Department of Health and Human Services cutoff levels or procedures do not exist for the particular test.

**Committee Amendment "A" (S-75)**

This amendment clarifies that if the Department of Health and Human Services does not have established cutoff levels and procedures for a particular federally approved substance abuse test the cutoff levels and procedures established by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration apply.

**House Amendment "A" To Committee Amendment "A" (H-179)**

This amendment further clarifies that the particular cutoff levels and procedures for substance abuse testing to be used when the Department of Health and Human Services does not have established cutoff levels and procedures are those as printed in the Federal Register, Volume 69, No. 71, sections 3.4 to 3.7 on pages 19697 and 19698.

**Enacted Law Summary**

Public Law 2009, chapter 133 provides that employers using substance abuse testing may use tests that have been recognized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services as accurate and reliable as set forth in the Federal Register, Volume 69, No. 71, sections 3.4 to 3.7 on pages 19697 and 19698 if the Department of Health and Human Services does not have established cutoff levels or procedures for the particular test.