

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second 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 Second 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 HOUSES</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 Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. 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*

the clearinghouse to ensure understanding of, and compliance with, recruitment and hiring requirements under federal regulations and state law. The Maine Department of Labor is required to maintain a list of contractors who are seeking to hire bond workers, and to require landowners to hire contractors from that list.

If an employment offer is conditioned on a skills test, it must be applied to all new applicants in that job classification and conducted in a reasonable location. If a skills test is required, the employer must submit a copy of the skills test to the Maine Department of Labor and if an applicant is rejected due to failing the skills test, a written statement explaining the failure must be provided to the applicant, the recruitment clearinghouse, and the Maine Department of Labor.

Contracts between landowners and logging employers must contain a provision that allows the landowner to terminate the contract if the logging employer violates federal regulations or state law. Contractors who violate federal regulations or state law relating to bond workers must be removed from the list. A landowner who enters into or maintains a contract with an entity that is not on the list is subject to a fine of up to \$50,000.

The law establishes the Foreign Labor Certification Process Fund.

It eliminates the allowance in the unemployment law that permits foreign agricultural laborers, from contiguous countries with whom the State has an agreement, from collecting unemployment from the State of Maine.

The law creates the necessary exemption for interagency cooperation between the Maine Department of Labor and the Maine Bureau of Revenue Services.

**LD 1552**

### **An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP-AM MAJ ONTP MIN	H-738 H-779 MARTIN J L

This bill requires a landowner to notify the Department of Conservation, Bureau of Forestry if forest land is harvested by a harvester who uses bonded labor under the federal H-2A bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq. If a landowner or a harvester employed by or under contract to the landowner uses bonded labor under the federal H-2A bonded labor program or the landowner fails to provide the required notification, the land must be withdrawn from the Maine Tree Growth Tax Law and a penalty assessed under the commercial forestry excise tax to compensate the State for the General Fund contribution to the cost of forest fire protection activities.

#### **Committee Amendment "A" (H-738)**

This amendment clarifies the procedure in which a landowner must notify the Department of Conservation, Bureau of Forestry if forest land is harvested by a landowner or harvester who uses bonded labor under the federal H-2A bonded labor program. It indicates that the use of bonded labor on any part of a parcel of tree growth land during the two-year notification cycle will result, upon notification by Maine Revenue Services, in the loss of Maine Tree Growth Tax Law benefits and that the withdrawal penalty will be imposed. It further clarifies that the parcel of land will not benefit from the General Fund contribution to forest fire protection for the property tax year in which bonded labor is used.

#### **House Amendment "B" (H-779)**

## *Joint Standing Committee on Labor*

This amendment provides that land must be suspended from the Maine Tree Growth Tax Law for any year in which the landowner uses bonded labor or fails to provide the required notification to the Department of Conservation, Bureau of Forestry.

**LD 1558     An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters**

**PUBLIC 513**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-379

This bill extends an accidental death benefit to the beneficiary of a professional firefighter who dies from cardiovascular injury or disease or pulmonary disease as described in the Maine Revised Statutes, Title 39-A, section 328 while in the line of duty. The benefit applies only if the firefighter was a member of the Participating Local District Retirement Program administered by the Maine Public Employees Retirement System and the injury or disease that caused the firefighter's death is the result of a condition that developed within six months of the firefighter's having been in service as a professional firefighter for a municipal fire department. The bill also makes the death benefit retroactive to November 1, 2004.

**Committee Amendment "A" (S-379)**

This amendment defines a qualifying member for accidental death benefits as a professional firefighter who dies as a result of developing a cardiovascular injury or disease or pulmonary disease resulting from a condition that develops within 30 days of participating in firefighting or training or a drill that involves firefighting. It also establishes a rebuttable presumption that if a professional firefighter develops a cardiovascular injury or disease or pulmonary disease and dies after 30 days, but within six months of participating in firefighting or training or a drill that involves firefighting, the firefighter's death is a result of a firefighting activity. The amendment also directs the Board of Trustees of the Maine Public Employees Retirement System to establish rules to implement the bill. These rules are defined as routine technical rules and must be submitted to the joint standing committee of the Legislature having jurisdiction over labor matters before implementation.

**Enacted Law Summary**

Public Law 2009, chapter 513, defines "professional firefighter" and "qualifying member" for accidental death benefits. In order to obtain accidental death benefits, the professional firefighter must die as a result of developing a cardiovascular injury or disease or pulmonary disease resulting from a condition that develops within 30 days of participating in firefighting or training or a drill that involves firefighting. It also establishes a rebuttable presumption that if a professional firefighter develops a cardiovascular injury or disease or pulmonary disease and dies after 30 days, but within six months of participating in firefighting or training or a drill that involves firefighting, the firefighter's death is a result of a firefighting activity. It directs the Board of Trustees of the Maine Public Employees Retirement System to establish rules to implement the law. These rules are routine technical rules and must be submitted to the joint standing committee of the Legislature having jurisdiction over labor matters at least 30 days prior to final adoption. The law makes the death benefit retroactive to November 1, 2004.