

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125th 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. 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 LD is noted to the right of the LD title. The following describes the various final actions.

<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & 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>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 125th Legislature is Thursday, August 30, 2012. 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

LD 972 An Act To Provide Administrative Support to the Citizen Trade Policy Commission PUBLIC 468

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO JACKSON	OTP-AM	H-249 S-353 ROSEN R

This bill provides General Fund appropriations to the Legislature of \$12,000 annually for administrative support for the Citizen Trade Policy Commission.

LD 972 was enacted by the Legislature during the First Regular Session of the 125th and held by the Governor.

Committee Amendment "A" (H-249)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-353)

This amendment removes the appropriation in fiscal year 2011-12.

Enacted Law Summary

Public Law 2011, chapter 468 provides \$12,000 in funding for administrative support for the Citizen Trade Policy Commission for fiscal year 2012-13.

LD 1207 An Act To Amend the Labor Laws Relating to Certain Agricultural Employees PUBLIC 565

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAFTS MASON	ONTP MAJ OTP-AM MIN	H-691 S-460 LANGLEY

This bill was carried over from the First Regular Session of the 125th Legislature.

It removes the provision that requires individuals employed for or at an egg processing facility that has over 300,000 laying birds be subjected to state minimum wage and overtime laws. It also repeals the laws that govern labor relations between agricultural workers and an agricultural employer that operates an egg processing facility that has over 500,000 laying birds and employs more than 100 agricultural employees.

Committee Amendment "B" (H-691)

This amendment is the minority report of the committee. It eliminates those sections of the bill that remove the requirement that individuals employed at an egg processing facility with more than 300,000 laying birds be subject to state minimum wage and overtime laws.

Senate Amendment "A" (S-460)

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

This amendment requires the Department of Labor, by January 15, 2017, to review the status of labor relations in this State between agricultural employees and large agricultural employers, assess the impact of changes to the laws contained in this legislation and develop any recommendations necessary to promote agreements between agricultural employers and agricultural employees to limit industrial strife, promote stability in the farm labor force and improve the economic status of workers and businesses. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee is authorized to submit legislation to the First Regular Session of the 128th Legislature.

Enacted Law Summary

Public Law 2011, chapter 565 repeals Maine Revised Statutes, Title 26, chapter 16, Agricultural Employees Labor Relations Act.

Public Law 2011, chapter 565 also requires the Department of Labor, by January 15, 2017, to review the status of labor relations in this State between agricultural employees and large agricultural employers, assess the impact of changes to the laws contained in this legislation and develop any recommendations necessary to promote agreements between agricultural employers and agricultural employees to limit industrial strife, promote stability in the farm labor force and improve the economic status of workers and businesses. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee is authorized to submit legislation to the First Regular Session of the 128th Legislature.

LD 1314 An Act To Standardize the Definition of "Independent Contractor"

PUBLIC 643

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON PLOWMAN	OTP-AM MAJ ONTP MIN	H-832 H-897 PRESCOTT H-916 MARTIN J

This bill was carried over from the First Regular Session of the 125th Legislature.

It standardizes the definition of "independent contractor" for employment security law and workers' compensation law. It considers who directs or controls the means and manner of providing the contracted services; who furnishes the tools and equipment necessary to provide the services; whether the business is considered inseparable from the individual for purposes of taxes, profits and liabilities; who exercises control over the management and operations of the business; and who exercises the right and opportunity to perform the services of the business for multiple entities.

Committee Amendment "A" (H-832)

This amendment, which is the majority report of the committee, standardizes the definition of "independent contractor" for employment security law and workers' compensation law. It clearly states the penalties for the misclassification of a worker as an independent contractor. The amendment also requires 2 interim reports and a final comprehensive report to the joint standing committee of the Legislature having jurisdiction over labor matters from the Workers' Compensation Board and the Department of Labor on the implementation of the new independent contractor definition.

House Amendment "B" To Committee Amendment "A" (H-897)