

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2011

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STATE OF MAINE
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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 First 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.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. 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 1378 **An Act To Create a State-sponsored 401(k) Retirement Plan for Participation by Private Employers**

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WOODBURY | ONTP | |

This bill directs the Finance Authority of Maine to establish a qualified defined contribution retirement investment plan eligible for favorable tax treatment under Section 401(k) of the United States Internal Revenue Code to be made available to employers who wish to offer the plan as a retirement investment option to their employees.

LD 1383 **An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers**

Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SAVIELLO | | |

Section 1 of the bill amends or repeals all of Title 26, section 872, “Notification regarding foreign laborers in logging occupations” except the definition of “Bond worker.” It eliminates the following:

1. The definition of “Logging equipment;”
2. The requirement of employer proof of ownership or a bona fide lease of one piece of logging equipment for every two bond workers employed in a logging occupation;
3. The penalties and enforcement for violating proof of ownership;
4. The exemption applicable for equipment in which the U.S. Department of Labor has established a prevailing wage; and
5. The cooperative assistance between the Department of Conservation and the Department of Administrative and Financial Services, and the Bureau of Revenue Services with the Department of Labor.

The bill removes from the “Notification” sub-section the requirement to notify the the Department of Labor when filing for a bond worker and providing the number of bond workers requested, the pieces of equipment that will be operated by the bond worker, and proof of ownership. It further amends the “Notification” sub-section by limiting the required notification to the Department of Labor to within 30 days of the date a bond worker begins work in the State, the bond workers’ name, and rather than the location of where the bond worker will be working, the “anticipated locations” the bond worker may work.

Section 2 of the bill amends Title 26, section 873, “Recruitment for logging occupations.” It does the following:

1. Eliminates the requirement for employers to file a copy of all federal forms and reports relating to H2 visas with the Department of Labor;