

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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

125<sup>TH</sup> 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 125<sup>th</sup> 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 &amp; 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&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>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 125<sup>th</sup> 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.

**LD 1725**

**An Act To Strengthen the Unemployment Insurance Laws and Reduce Unemployment Fraud**

**PUBLIC 645**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM MAJ OTP-AM MIN	S-483 S-545 MARTIN T

This bill amends the employment security laws pertaining to specific benefit eligibility requirements, including work search, suitable work, misconduct, unemployment fraud disqualification and participation in the reemployment eligibility assessment services.

The bill provides it is an individual's responsibility to seek work and report work search efforts to the Maine Unemployment Insurance Commission and that failure to do so without good cause results in the loss of benefits; participation in the reemployment eligibility assessment services is mandatory and failure to comply without good cause results in the loss of benefits; and unemployment fraud for amounts exceeding \$1,000 are either Class C or Class B crimes depending on the benefit amount involved. This change is consistent with the current prosecution of these crimes as theft under the Maine Revised Statutes, Title 17-A.

The bill increases the earnings requirement for requalifying for benefits after disqualification for refusing suitable work from 8 times the individual's weekly benefit amount to 10 times; changes the requirement that the individual must broaden the individual's work search after 6 weeks of unemployment rather than 12 weeks; increases the earnings requirement to requalify for benefits after a misconduct disqualification from 4 times the individual's weekly benefit amount to 10 times; imposes an indefinite disqualification from receiving benefits upon a 3rd determination of unemployment fraud; and adds vacation pay to the types of remuneration for which unemployment benefits are offset.

**Committee Amendment "A" (S-483)**

This amendment, which is the majority report of the committee, amends the bill to clarify criminal prosecutions may be brought against both individuals and employers who commit unemployment fraud. It adds child care emergencies and transportation emergencies to the list of good cause exceptions for registering for work, being able and available for work and participating in reemployment services. It changes the amount of earnings an individual must make before qualifying for benefits after being discharged for misconduct from 10 times the weekly benefit amount to 8 times the weekly benefit amount. It changes the number of weeks after which an individual must broaden the individual's work search requirements from 6 weeks to 10 weeks. The amendment also clarifies the Commissioner of Labor may determine the amount of time a claimant is disqualified from receiving benefits after a 3rd occurrence of statement falsification or misrepresentation. It requires the Department of Labor to explore alternatives to in-person participation in reemployment eligibility assessment sessions if travel is unduly burdensome.

**Committee Amendment "B" (S-484)**

This amendment, which is the minority report of the committee, amends the bill to clarify criminal prosecutions may be brought against both individuals and employers who commit unemployment fraud. It adds child care emergencies and transportation emergencies to the list of good cause exceptions for registering for work, being able and available for work and participating in reemployment services. It changes the amount of earnings an individual must make before qualifying for benefits after being discharged for misconduct from 10 times the weekly benefit amount to 8 times the weekly benefit amount. It retains the current law provision that an individual must broaden the individual's work search requirements after 12 weeks. The amendment removes vacation pay from the list of remuneration from which benefits may be reduced. The amendment also clarifies the Commissioner of Labor may determine the

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amount of time a claimant is disqualified from receiving benefits after a 3rd occurrence of statement falsification or misrepresentation. It requires the Department of Labor to explore alternatives to in-person participation in reemployment eligibility assessment sessions if travel is unduly burdensome.

**Senate Amendment "C" (S-545)**

The bill adds vacation pay to the types of remuneration for which unemployment benefits are offset. This amendment limits the offset for vacation pay to the amount that exceeds 4 weeks of wages for an individual and further excludes from the offset, vacation pay that is paid to the individual prior to the individual's being notified of severance by the employer.

**Enacted Law Summary**

Public Law 2011, chapter 645 amends the employment security laws pertaining to specific benefit eligibility requirements, including work search, suitable work, misconduct, unemployment fraud disqualification and participation in the reemployment eligibility assessment services.

It provides that it is an individual's responsibility to seek work and report work search efforts to the Maine Unemployment Insurance Commission and failure to do so without good cause, which includes child care emergencies and transportation emergencies, results in the loss of benefits; participation in the reemployment eligibility assessment services is mandatory and failure to comply without good cause, which includes child care emergencies and transportation emergencies, results in the loss of benefits. It clarifies criminal prosecutions may be brought against both individuals and employers who commit unemployment fraud.

Public Law 2011, chapter 645 increases the earnings requirement for requalifying for benefits after disqualification for refusing suitable work from 8 times the individual's weekly benefit amount to 10 times; changes the requirement that the individual must broaden the individual's work search after 10 weeks of unemployment rather than 12 weeks; increases the earnings requirement to requalify for benefits after a misconduct disqualification from 4 times the individual's weekly benefit amount to 8 times; and clarifies the Commissioner of Labor may determine the amount of time a claimant is disqualified from receiving benefits after a 3rd occurrence of statement falsification or misrepresentation.

Finally, it adds vacation pay to the types of remuneration for which unemployment benefits are offset. The offset for vacation pay is limited to the amount that exceeds 4 weeks of wages for an individual and further excludes from the offset vacation pay that is paid to the individual prior to the individual's being notified of severance by the employer.

**LD 1729      An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities      PUBLIC 483**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK RECTOR	OTP	

This bill updates current law to parallel requirements relating to the federal minimum wage outlined in Section 14(c) of the federal Fair Labor Standards Act of 1938. The revision permits the issuance of a certificate to an employer for the hiring of one or more persons with disabilities at a rate commensurate with the ability of those persons to perform the duties required in comparison to the ability of a person who does not have a disability. It extends the length of time a certificate is valid from one year to 2 years. As in current law, a certificate may be renewed.

**Enacted Law Summary**

Public Law 2011, chapter 483 updates current law to parallel requirements relating to the federal minimum wage outlined in Section 14(c) of the federal Fair Labor Standards Act of 1938. The revision permits the issuance of a