

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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 2013

**STAFF:**

NATALIE HAYNES, LEGISLATIVE ANALYST  
HENRY FOUTS, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

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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* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<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.

*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 126<sup>th</sup> Legislature is October 9, 2013. 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**

Under this bill, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration and investment services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

**Committee Amendment "A" (H-501)**

This amendment eliminates the 10% sales tax on consumer fireworks proposed in the bill. Instead, the program established in the bill will receive dedicated funding from the State equivalent to 50% of the revenue received from the 5% general sales tax currently imposed on the sale of consumer fireworks, but the amendment limits this funding to 2 years.

This amendment also adds an appropriations and allocations section to the bill. This amendment was not adopted.

This bill was recommitted to the Labor, Commerce, Research and Economic Development Committee and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1156      An Act To Update a Reference Contained in the Maine Uniform Building and Energy Code      ONTP**

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

Current law requires the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board to adopt, maintain and amend the Maine Uniform Building and Energy Code, using building codes published by the International Code Council or Building Officials and Code Administrators International, Inc., or the Maine Model Building Code or the International Existing Building Code. This bill requires the board to use the most up-to-date version of the International Energy Conservation Code in adopting standards for residential basement wall insulation.

**LD 1157      An Act To Establish the Fair Chance for Employment Act      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL JACKSON T	OTP-AM ONTP	

This bill establishes the Fair Chance for Employment Act and does the following.

1. It prohibits employers from refusing to consider for employment or offer employment to an individual based on the individual's status as employed or unemployed. Employers are also prohibited from advertising that current employment status is a qualification or requirement for a job or that the employer will not consider an applicant based on current employment status. Employers are prohibited from directing an employment agency to take current employment status into consideration when screening or referring applicants.
2. It prohibits employment agencies from failing to consider or refer applicants based on employment status,

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advertising that employment status is a qualification or requirement for a job or that an employer will not consider applicants based on current employment status or discriminating against individuals in any manner that may limit their access to information about jobs or limit the individuals' number of referrals for consideration of jobs because of their current employment status.

3. It prohibits online job websites from publishing any advertisement for a job vacancy that includes any provision requiring or indicating that current employment status is a qualification or requirement for a job or that an employer will not consider applicants for employment based on current employment status.

4. It prohibits an employer or employment agency from interfering with individuals exercising their rights under this Act or otherwise discriminating against individuals for opposing any practice made illegal by this Act. It also prohibits discriminating against any individual who has filed a complaint or caused to be instituted any proceeding under this Act or who otherwise gives or may give information or testimony in connection with any inquiry or proceeding under this Act.

5. It requires employers and employment agencies to keep records pertaining to compliance with this Act, and it gives the Director of the Bureau of Labor Standards within the Department of Labor the investigative authority to enter places of business and examine all records related to allegations of violations of this Act.

6. It creates a right for a person who has been affected by a violation under this Act to bring a civil action against the employer or employment agency responsible. A person may bring a civil action on behalf of another individual who has been affected by a violation of this Act or a group of individuals similarly situated.

7. It grants the Department of Labor the power to file a civil action on behalf of an individual or group of individuals against an employer or employment agency that violates the Act. Once the director begins such a lawsuit, there is no more private right to a civil action on behalf of the individual.

8. It creates a duty for the Director of the Bureau of Labor Standards to enforce all laws relating to consideration of employment status in hiring practices, as well as the specific duty to receive, investigate and attempt to resolve complaints of violations of this Act.

9. It gives the Department of Labor the authority to terminate state contracts and debar a contractor from participating in state contracts for a period of up to 3 years when a contractor has been found by a court to be in violation of this Act.

10. It would not prohibit employment decisions or advertisements when a requirement related to employment status is a bona fide occupational qualification reasonably necessary to successful performance in the job. It also would not preclude an employer from considering employment history or the reasons underlying an individual's employment status.

### **Committee Amendment "A" (H-402)**

This amendment, which is the majority report of the committee, changes the bill establishing the Fair Chance for Employment Act by striking most of the bill except for the prohibition on employers and employment agencies advertising in print, on the Internet or in any other medium that current employment status is a qualification or requirement for a job or that the employer will not consider an applicant based on current employment status. Similarly, no person may advertise on an online job posting that current employment status is a qualification or requirement for a job or that the employer will not consider an applicant based on current employment status.

The only penalty from the bill that the amendment retains is the fine of \$250 to \$1,000 for each violation. The amendment also retains the bill's exception for instances when current employment status is related to a bona fide occupational requirement and clarifies that an employer or employment agency retains the right to consider employment history or the reasons underlying an individual's employment status when making employment

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decisions about an individual.

This amendment also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1179 An Act To Create the Brunswick Landing Job Increment Financing Fund ONTP**

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

This bill establishes the Brunswick Landing Job Increment Financing Fund. The fund receives job tax increment payments after the calculation of payments to the Brunswick Naval Air Station Job Increment Financing Fund and other required funding attributable to new employees employed in the former Brunswick Naval Air Station base area after 2013. Transfers to the Brunswick Landing Tax Increment Financing Fund are paid to the Town of Brunswick.

**LD 1195 An Act To Protect the Privacy of Job Applicants ONTP**

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

This bill prohibits employers and agents of employers from obtaining consumer reports that contain information regarding creditworthiness, credit standing, credit capacity, debts, check-writing experience or insurability of an employee or prospective employee, and prohibits consumer reporting agencies from furnishing this information to anyone for employment purposes. This bill also creates a civil penalty of \$500 to \$1,000 applicable to employers or their agents for each violation of this law. Consumer reporting agencies may still furnish, and employers and their agents may still obtain, consumer reports on an employee or prospective employee that contain information regarding character, general reputation and personal characteristics.

**LD 1196 An Act To Amend the Postgraduate Education Requirements for Physicians Who Have Completed an Accredited Residency Program in Oral and Maxillofacial Surgery ONTP**

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

This bill amends the postgraduate training requirements in the laws governing medical licenses to allow certain oral surgeons to qualify for a medical license that is limited to the practice of oral and maxillofacial surgery, as defined by rule of the Board of Licensure in Medicine.

The bill provides that the license of a licensee who was issued an unrestricted license before January 1, 2010 may not be limited under the new provisions.