

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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

Enacted Law Summary

Public Law 2013, chapter 465 allows the Maine Rural Development Authority to submit its annual audit as part of its administering agency's annual audit.

LD 1668 An Act To Expedite Training Waiver Decisions for Unemployment Claimants by Transferring Original Jurisdiction from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation

**PUBLIC 474
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM	S-407

This bill transfers original jurisdiction over training not approved by the federal Workforce Investment Act of 1998 from the Maine Unemployment Insurance Commission to the Department of Labor, Bureau of Unemployment Compensation. This change allows the Unemployment Insurance Commission to serve in the appellate capacity for training waiver cases.

Committee Amendment "A" (S-407)

This amendment changes the bill by not allowing direct appeals to the Maine Unemployment Insurance Commission. Appeals will be handled in the same manner as other unemployment compensation decisions.

This amendment also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2013, chapter 474 transfers original jurisdiction over training not approved by the federal Workforce Investment Act of 1998 from the Maine Unemployment Insurance Commission to the Department of Labor, Bureau of Unemployment Compensation.

Public Law 2013, chapter 474 was enacted as an emergency measure effective March 10, 2014.

LD 1669 An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING MALABY	OTP-AM ONTP	

Current law requires employers that want to provide a drug-free workplace by testing applicants or employees for substance abuse to develop and file a policy with the Department of Labor. The Bureau of Labor Standards reviews the policies to ensure compliance with state laws and rules. This bill provides employers with a single, consistent model policy. The model policy, which must be established by the Commissioner of Labor and managed by the department, is intended to encourage greater participation by employers to reduce substance abuse in the workplace. The bill requires an employer to adopt the model policy before establishing a substance abuse testing program. It removes the requirements that employers provide an employee assistance program and pay for half of rehabilitation beyond services provided through health care benefits. Employers may offer an employee assistance program if they choose. The bill amends the definition of "probable cause" to provide that a single work-related accident is probable cause to suspect an employee is under the influence of a substance of abuse. The bill requires the

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

Department of Health and Human Services and the Department of Labor to work together to adopt rules to establish the model policy by July 1, 2015.

Committee Amendment "A" (S-440)

This amendment changes the bill by creating a task force to develop a statewide drug-free workplace model policy. The model policy developed by the task force must be established by the Commissioner of Labor by major substantive rule by July 1, 2015, with the Department of Labor and the Department of Health and Human Services subsequently permitted to jointly adopt further routine technical rules.

LD 1677 An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor

PUBLIC 467

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

This bill makes minor technical corrections and clarifications to the statutes that govern the Department of Labor, including:

1. Correcting a reference to workers' compensation payments made to employees;
2. Updating the law to reflect the current disposition of federal funds received pursuant to the federal Wagner-Peyser Act;
3. Correcting references to entities within the department that were abolished or merged into another entity;
4. Correcting a conflict in the law created when two public laws amended the same section of law in different ways;
5. Renaming a standing committee of the State Workforce Investment Board the Commission on Disability and Employment;
6. Removing language specifying the appointment process and terms for members of the Program Policy Committee, a standing committee of the State Workforce Investment Board; and
7. Allowing all standing committees of the State Workforce Investment Board to receive funds and other things of value to allow the standing committees to carry out the purposes of the State Workforce Investment Board.

Enacted Law Summary

Public Law 2013, chapter 467 makes minor technical corrections and clarifications to the statutes that govern the Department of Labor, including:

1. Correcting a reference to workers' compensation payments made to employees;
2. Updating the law to reflect the current disposition of federal funds received pursuant to the federal Wagner-Peyser Act;
3. Correcting references to entities within the department that were abolished or merged into another entity;
4. Correcting a conflict in the law created when two public laws amended the same section of law in different ways;
5. Renaming a standing committee of the State Workforce Investment Board the Commission on Disability and