

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<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**

May 2014

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**STATE OF MAINE**  
**126<sup>TH</sup> 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 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 Second Regular Session of the 126<sup>th</sup> 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**

**LD 1701 An Act To Amend the Work-sharing Program To Conform with Federal Law**

**PUBLIC 448  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK VOLK	OTP-AM	S-391

This bill changes the law regarding work-sharing programs to bring it into conformity with federal provisions that govern short-time compensation programs. The federal Middle Class Tax Relief and Job Creation Act of 2012 requires states that currently administer a work-sharing program to conform their laws to the new federal provisions no later than August 22, 2014 or risk a loss of unemployment tax credits. Changes include ensuring continuing health or retirement benefits for participating employees to the same extent the benefits are provided to those employees not participating in the work-sharing program; providing details in the employer's application process about the number of layoffs averted and the employee notification process that will be used; and ensuring that work-sharing employees may participate in training to enhance their job skills while participating in the work-sharing program.

**Committee Amendment "A" (S-391)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 448 changes the law regarding work-sharing programs to bring it into conformity with federal provisions that govern short-time compensation programs. The federal Middle Class Tax Relief and Job Creation Act of 2012 requires states that currently administer a work-sharing program to conform their laws to the new federal provisions no later than August 22, 2014 or risk a loss of unemployment tax credits. Changes include ensuring continuing health or retirement benefits for participating employees to the same extent the benefits are provided to those employees not participating in the work-sharing program; providing details in the employer's application process about the number of layoffs averted and the employee notification process that will be used; and ensuring that work-sharing employees may participate in training to enhance their job skills while participating in the work-sharing program.

Public Law 2013, chapter 448 was enacted as an emergency measure effective February 20, 2014.

**LD 1710 An Act To Retain Call Centers in Maine**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HERBIG	ONTP OTP-AM	S-420 S-501 JACKSON T

This bill requires employers that intend to relocate a call center, or a facility or operating unit handling at least 30% of call volume within a call center, from Maine to a foreign country must notify the Commissioner of Labor at least 120 days before the relocation. The commissioner is required to create a list of these employers, updated twice a year. An employer appearing on the list is ineligible for a state grant, loan or tax benefit for five years. The bill also has a clawback provision that requires an employer on the commissioner's list to pay back the unamortized value of a state grant, loan or tax benefit previously issued to such an employer. If an employer fails to notify the Commissioner of Labor of the relocation of a call center at least 120 days before the relocation, a fine of \$10,000 per day may be assessed. The bill also requires that call center work for executive branch agencies of the State be

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

performed in the State.

## **Committee Amendment "A" (S-420)**

This amendment, which is the minority report of the committee, amends the bill by adding an appropriations and allocations section.

## **Senate Amendment "A" (S-501)**

This amendment requires an employer that intends to relocate a call center to notify the Commissioner of Labor at least 60 days before the relocation. The bill requires this notice to be given at least 120 days before the relocation. The amendment reduces the fine for failure to give this notice from \$10,000 per day to \$350 per day. It also reduces from five years to two years the length of time an employer who relocates a call center to a foreign country is ineligible for a state grant, loan or tax benefit.

## **LD 1724 An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law**

**PUBLIC 547**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING POULIOT	OTP-AM	S-476

This bill adopts the following changes to the license requirements for real estate appraisers as required by federal law effective January 1, 2015.

1. It requires applicants for licensure to be fingerprinted and submit to a background check.
2. It changes the requirements that an applicant who is licensed in another jurisdiction must meet in order to be licensed in this State.
3. It provides that a licensee may not repeat for credit the same continuing education course offering within a license renewal cycle.
4. It changes the educational requirements for applicants and requires that educational and experience requirements must be met before an applicant may take the required examination.
5. It establishes the qualifications and duties of supervisory appraisers.

## **Committee Amendment "A" (S-476)**

This amendment removes the provision in the bill that requires an applicant for licensure to be fingerprinted and submit to a background check and replaces it with language that requires an applicant to submit a set of the applicant's fingerprints, commencing upon the date determined by the appraiser qualifications board, the entity charged with establishing the qualification criteria for state licensing, certification and recertification of real property appraisers. It also requires an applicant to apply for licensure within 24 months of successfully completing the examination for a certified general real property, certified residential real property or residential real property appraiser license.

## **Enacted Law Summary**

Public Law 2013, chapter 547 makes the following changes the license requirements for real estate appraisers as required by federal law effective January 1, 2015.

1. It requires applicants for licensure to be fingerprinted and submit to a background check commencing upon the date determined by the appraiser qualifications board, the entity charged with establishing the qualification criteria