

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
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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

Resolve 2013, chapter 103 was finally passed as an emergency measure effective April 3, 2014.

**LD 1798 An Act To Implement the Recommendations of the Task Force
Convened by the Maine Labor Relations Board Regarding
Compensation for the Panel of Mediators**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-702

This bill was reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Resolve 2013, chapter 26, section two. As required by the resolve, the Maine Labor Relations Board submitted to the committee its report on the question of mediator compensation and its impact on the recruitment and retention of able labor mediators and the public sector collective bargaining process as a whole, with recommendations and draft implementing legislation that would provide reasonable compensation for the members of the Panel of Mediators. This bill incorporates all of the changes to law that the board recommended in its report.

The bill increases the payment for mediation services provided by the members of the Panel of Mediators from \$100 for each consecutive four-hour period to \$600 per whole or partial calendar day. The bill eliminates the provisions permitting the mediators to collect reimbursement for expenses incurred and to charge for more than one dispute in the same calendar day.

Committee Amendment "A" (H-702)

This amendment removes the provision of the bill that disallowed the Panel of Mediators from being compensated for traveling and other expenses. This amendment more accurately reflects the recommendations in the Maine Labor Relations Board mediator compensation report.

The amendment also adds an appropriations and allocations section.

LD 1799 An Act To Amend the Laws Governing Charitable Solicitations

PUBLIC 539

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE KATZ	OTP-AM	H-778 H-804 HERBIG

This bill amends the Charitable Solicitations Act to limit the scope and application of the Act to professional solicitors, which are persons or entities that solicit contributions from the public on behalf of a charitable organization in exchange for a fee or other remuneration, thus excluding from regulation those persons who solicit donations on behalf of a charitable organization without remuneration. As in current law, an employee, salaried officer, attorney, accountant or investment officer of a charitable organization is not considered a professional solicitor. This bill also changes the definition of "charitable organization" to remove the exclusion of organizations serving religious purposes; the effect of this change is that a professional solicitor is subject to regulation under the Act, regardless of the charitable organization for which donations are being solicited.

Committee Amendment "A" (H-778)

This amendment removes provisions in the bill that propose to repeal licensure requirements for charitable organizations. It repeals the requirement that charitable organizations annually provide a determination letter from the United States Internal Revenue Service. It clarifies the length of time that a professional solicitor's bond

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

remains in effect.

House Amendment "B" To Committee Amendment "A" (H-804)

This amendment amends Committee Amendment "A" as follows.

This amendment specifies that a charitable organization is a person or entity that holds itself out to be organized or operated for any charitable purpose and that solicits, accepts or obtains contributions for a charitable purpose.

This amendment also removes from the bill, the repeal of the law related to the maintenance and production of records.

Enacted Law Summary

Public Law 2013, chapter 539 amends the Charitable Solicitations Act to limit the scope and application of the Act to professional solicitors, which are persons or entities that solicit contributions from the public on behalf of a charitable organization in exchange for a fee or other remuneration, thus excluding from regulation those persons who solicit donations on behalf of a charitable organization without remuneration. This law repeals the requirement that charitable organizations annually provide a determination letter from the United States Internal Revenue Service and it clarifies the length of time that a professional solicitor's bond remains in effect. The law changes the definition of "charitable organization" to remove the exclusion of organizations serving religious purposes; the effect of this change is that a professional solicitor is subject to regulation under the law, regardless of the charitable organization for which donations are being solicited. It specifies that a charitable organization is a person or entity that holds itself out to be organized or operated for any charitable purpose and that solicits, accepts or obtains contributions for a charitable purpose.

LD 1802 An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs

**PUBLIC 511
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM	S-437

Under federal law, Reed Act funds may be used to maintain a state's unemployment and public employment system or to pay regular unemployment benefits. Maine received \$32,486,816 in Reed Act funds in 2002. Approximately \$9,760,000 was appropriated for administrative purposes in 2003, and an additional \$5,200,000 was appropriated for administrative purposes in 2007. These appropriations were made primarily to cover technological and infrastructure needs and improvements for delivering unemployment, employment and labor market information services to Maine workers and employers. Currently, approximately \$16,803,000 of the 2002 Reed Act distribution remains in the federal Unemployment Insurance Trust Fund. Additionally, in 2009 Maine received a \$28,200,000 distribution to the trust fund under the federal American Recovery and Reinvestment Act of 2009, which may be allocated to cover administrative expenses under the same conditions as Reed Act funds. This distribution remains untouched in the Unemployment Insurance Trust Fund.

This bill authorizes the use of \$17,500,000 of the funds in the Unemployment Trust Fund, requiring that all of the 2002 Reed Act funds be used first before using any of the American Recovery and Reinvestment Act of 2009 funds to meet the \$17,500,000 allocation. The funds will be used to maintain and operate the State's unemployment and employment programs, including paying the administrative costs required to administer the unemployment insurance program, delivering employment assistance services through the Department of Labor's career center system and providing labor market information program services for Maine workers and employers.

Committee Amendment "A" (S-437)