

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

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
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

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)

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

This amendment of the Joint Standing Committee on Labor, Commerce, Research and Economic Development amends the bill by adding an appropriations and allocations section, which includes allocation of funds for the costs associated with adding ten Customer Representative Specialist - Benefits positions, ten Claims Adjudicator positions and four Hearings Examiner positions to address understaffing in areas of claims processing, adjudication and appeals.

Enacted Law Summary

Public Law 2013, chapter 511 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, adding 24 new positions to address understaffing in areas of claims processing, adjudication and appeals, 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.

Public Law 2013, chapter 511 was enacted as an emergency measure effective April 3, 2014.

LD 1832 An Act To Increase Employment Opportunities for Veterans

PUBLIC 576

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE LONGSTAFF	OTP-AM	S-477 S-532 HILL

This bill allows a private employer to have a veteran preference employment policy. The policy must be in writing and must be applied uniformly to employment decisions regarding hiring, promotion or retention during a reduction in workforce.

Committee Amendment "A" (S-477)

This amendment amends the bill to include in the definition of "veteran," a person who has served in the national guard of any state or the Reserves of the United States Armed Forces.

The amendment also adds an appropriations and allocations section to provide funding for a Labor and Safety Inspector position to provide oversight and enforcement of the veteran preference employment policy.

Senate Amendment "A" To Committee Amendment "A" (S-532)

This amendment removes the General Fund appropriation for a Labor and Safety Inspector position.

Enacted Law Summary

Public Law 2013, chapter 576 allows a private employer to have a veteran preference employment policy. The policy must be in writing and must be applied uniformly to employment decisions regarding hiring, promotion or retention during a reduction in workforce.