

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<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**

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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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 127<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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

legislation.

Public Law 2015, chapter 2 was enacted as an emergency measure effective March 13, 2015.

**LD 921**

**An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment and To Promote Employee Social Media Privacy**

**PUBLIC 343**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY	OTP-AM OTP-AM	H-240 S-323 HAMPER

This bill expands the law creating the right to a leave of absence for employees who are victims of violence by requiring that a returning employee be placed in the employee's former employment position or a position of equivalent employment status. The bill prohibits discrimination or retaliation against an employee for exercising the right to take a leave of absence or enforcing the provisions of the law and creates a private right of action to enforce the law, and to seek injunctive or equitable relief and compensatory damages.

**Committee Amendment "A" (H-239)**

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

**Committee Amendment "B" (H-240)**

This amendment, which is the minority report of the committee, strikes the bill and replaces it with changes to the penalties that may be assessed for violations of the employment leave for victims of violence law, as follows.

1. It increases the fine from up to \$200 per violation to up to \$1,000 per violation and provides that the fine applies only to denials of leave in violation of the law.
2. It provides that, for denial of leave in violation of the law, the employer must pay the affected individual an amount three times the total assessed fines.
3. It provides that, for termination in connection with exercising a right granted under the law, the affected individual may choose either to receive an amount three times the total assessed fines or reemployment with the employer with back wages.

The amendment also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "B" (S-323)**

This amendment amends Committee Amendment "B" to strike the bill and replace it. Part A changes the penalties that may be assessed for violations of the employment leave for victims of violence law, as follows.

1. It increases the fine from up to \$200 per violation to up to \$1,000 per violation and provides that the fine applies only to denials of leave in violation of the law.
2. It provides that, for denial of leave in violation of the law, the employer must pay the affected individual an amount three times the total assessed fines.
3. It provides that, for termination in connection with exercising a right granted under the law, the affected individual may choose either to receive an amount three times the total assessed fines or reemployment with the employer with back wages.

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

Part B incorporates the substance of LD 686, as amended by Committee Amendment "A" to that bill, to protect the social media privacy of employees and applicants for employment.

Part C contains an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2015, chapter 343, Part A changes the penalties that may be assessed for violations of the employment leave for victims of violence law, as follows.

1. It increases the fine from up to \$200 per violation to up to \$1,000 per violation and provides that the fine applies only to denials of leave in violation of the law.
2. It provides that, for denial of leave in violation of the law, the employer must pay the affected individual an amount three times the total assessed fines.
3. It provides that, for termination in connection with exercising a right granted under the law, the affected individual may choose either to receive an amount three times the total assessed fines or reemployment with the employer with back wages.

Part B of chapter 343 protects the social media privacy of employees and applicants for employment. It provides that generally an employer cannot request or coerce an employee or applicant to disclose any personal social media account information. There is an exception for cases in which the employer reasonably believed the employee's personal social media account information to be relevant to an investigation of allegations of employee misconduct or a workplace violation of applicable laws, rules or regulations and when requiring the disclosure is not otherwise prohibited by law, as long as the information disclosed is accessed and used solely to the extent necessary for the purposes of that investigation or a related proceeding.

Part B makes clear that an employer retains the right to promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including a requirement for an employee to disclose to the employer the employee's user name, password or other information necessary to access employer-issued electronic devices, including but not limited to cellular telephones and computers, or to access employer-provided software or e-mail accounts.

An employer who violates this social media privacy law is subject to a fine imposed by the Department of Labor of not less than \$100 for the first violation, not less than \$250 for the second violation and not less than \$500 for each subsequent violation.

### **LD 937      An Act Regarding Residential Drinking Water Arsenic Testing**

**INDEF PP**

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

This bill requires that a seller of residential real property provide to the purchaser a form that allows the purchaser to formally decline to have the water at the property tested for arsenic. The bill imposes a 3% surcharge on the retail sale of water filters. The proceeds are to be used by the Maine State Housing Authority for the home repair program administered by the authority that provides loans and grants to low-income homeowners for necessary home repairs.

### **Committee Amendment "A" (S-139)**

This amendment is the majority report of the committee. The amendment clarifies that the surcharge of 3% retail