

# 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.

## *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

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

sale of water filters applies to residential point-of-use and whole house water treatment system filters. It also adds definitions for "point-of-use water treatment system" and "whole house water treatment system." It also removes the provision in the bill that proposes to require a seller of residential real property to provide to the purchaser a form that allows the purchaser to formally decline to have the water at the property tested for arsenic. The amendment also adds an appropriations and allocations section.

**LD 952 An Act Regarding the Licensure of Funeral Service Providers**

**PUBLIC 246**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI LANGLEY	OTP-AM	H-351

This bill creates a process that allows a holder of a license to practice funeral services in another state with substantially similar licensure requirements as this State who has practiced for at least two consecutive years immediately prior to applying for a license in this State to receive a provisional license to practice funeral services. To obtain a permanent license, the person is required to pass the examination for licensure to practice funeral services within a year of receiving the provisional license.

**Committee Amendment "A" (H-351)**

This amendment replaces the bill. It allows the State Board of Funeral Service to issue a nonrenewable temporary license to a qualified applicant in order to allow the holder to practice funeral service until the holder has passed the State Law and Rule Examination. The term of a temporary license is six months.

**Enacted Law Summary**

Public Law 2015, chapter 246 allows the State Board of Funeral Service to issue a nonrenewable temporary license to a qualified applicant in order to allow the holder to practice funeral service until the holder has passed the State Law and Rule Examination. The law provides that the term of a temporary license is six months.

**LD 960 An Act To Support Family Caregivers in the Workforce**

**Died Between Houses**

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

Under current law, family medical leave may be taken by an employee to care for a child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition. This bill adds to this list "grandparent" and "great-grandparent" and further provides that family medical leave may be taken in connection with the serious health condition experienced by any of these listed individuals related to the employee by blood, adoption, legal custody, marriage or domestic partnership.

**Committee Amendment "A" (H-172)**

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