

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
127TH 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**

August 2015

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

MEMBERS:

SEN. AMY F. VOLK, CHAIR
SEN. ANDRE E. CUSHING III
SEN. JOHN L. PATRICK

REP. ERIN D. HERBIG, CHAIR
REP. PAUL E. GILBERT
REP. ANNE-MARIE MASTRACCIO
REP. DILLON BATES
REP. RYAN M. FECTEAU
REP. LAWRENCE E. LOCKMAN
REP. SUSAN M. W. AUSTIN
REP. JOEL R. STETKIS
REP. KARLETON S. WARD
REP. JAMES J. CAMPBELL, SR.

STATE OF MAINE

127TH LEGISLATURE

FIRST REGULAR SESSION



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 127th 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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 127th 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

Current law requires employers that want to provide a drug-free workplace by testing applicants or employees for substance abuse to develop and file a policy with the Department of Labor. The Bureau of Labor Standards reviews the policies to ensure compliance with state laws and rules. This bill provides employers with a single, consistent model policy. The model policy, which must be established by the Commissioner of Labor and managed by the department, is intended to encourage greater participation by employers to reduce substance abuse in the workplace. The bill requires an employer to adopt the model policy before establishing a substance abuse testing program. It removes the requirements that employers provide an employee assistance program and pay for half of rehabilitation beyond services provided through health care benefits. Employers may offer an employee assistance program if they choose. The bill amends the definition of "probable cause" to provide that a single work-related accident is probable cause to suspect an employee is under the influence of a substance of abuse. This bill requires the Department of Labor and Department of Health and Human Services to develop a policy to address the impact of medical marijuana use in the workplace for submission to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 2, 2015.

LD 1015 An Act To Require Large Employers To Report Compensation Information

Died Between Houses

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

This bill requires employers who employ over 100 workers in the State to report annually to the Bureau of Labor Standards within the Department of Labor the total compensation of the chief executive officer of the employer and the total compensation of the full-time employee of the employer with the lowest rate of pay. The bill requires the bureau to submit an annual report including, for each employer required to report under this bill, the employers' information and the ratio of the total compensation of the chief executive officer of the employer to the total compensation of the full-time employee of the employer with the lowest rate of pay to the Legislature and post the report on the department's website.

Committee Amendment "A" (S-141)

This amendment, which is the majority report of the committee, provides that the compensation disclosure and reporting requirements of the bill apply with respect to an employer's highest-paid executive rather than the employer's chief executive officer.

The amendment also adds an appropriations and allocations section.

LD 1028 An Act To Amend the Laws Concerning the Registration of Professional Engineers

**PUBLIC 228
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	H-303

This bill, retroactive to January 1, 2011, preserves the rights of holders of professional engineer licenses by allowing an engineer whose license has expired to renew that license up to five years after the date of expiration and, as long as the engineer had previously held a license as a professional engineer for at least 10 years, to forgo the licensure requirements otherwise applicable for a former licensee who is seeking license renewal after 90 days have elapsed, which are the same requirements applicable to new applicants.

Committee Amendment "A" (H-303)

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

This amendment removes provisions in the bill that propose to allow an engineer whose license has expired to renew that license up to five years after the date of expiration and instead provides the board with the authority to waive additional qualifications upon renewal if the licensee meets specific criteria. The amendment replaces continuing education requirements with professional development requirements and increases the renewal fee cap from \$50 to \$200. It also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2015, chapter 228 provides the State Board of Licensure for Professional Engineers with the authority to waive certain additional license renewal criteria if the license renewal application is made within three years from the date of the expiration and the licensee has completed any requisite professional development requirements and has never been subject to discipline in this or any other jurisdiction. The law provides for an increase in the license renewal fee cap from \$50 to \$200. In addition, the law is retroactive in its application to January 1, 2011.

Public Law 2015, chapter 228 was enacted as an emergency measure effective June 22, 2015.

LD 1039 An Act To Amend the Polygraph Examiners Act

PUBLIC 316

Sponsor(s)

HASKELL

Committee Report

OTP-AM

Amendments Adopted

S-300

The bill contains the following changes to the Polygraph Examiners Act.

1. It defines "polygraph examination."
2. It specifically authorizes a polygraph examiner to disclose information acquired from a polygraph examination to a member of a criminal justice agency if the polygraph examination is conducted in the course of a criminal investigation; another licensed polygraph examiner in a professional consultation; an employee or intern working with the polygraph examiner; or as otherwise provided by law.
3. It provides that statements or disclosures voluntarily made by an examinee that are adverse to the examinee's interests may be used against the examinee in the course of a criminal investigation or prosecution, to the fullest extent permitted by law.
4. It establishes fees for initial and renewal polygraph examiner licenses, and for intern polygraph examiner licenses.
5. It extends the term of a renewal polygraph examiner license from two to four years.
6. It more specifically outlines the qualifications a person must have in order to be eligible to obtain a polygraph examiner license.

Committee Amendment "A" (S-300)

This amendment specifies that a person to whom a polygraph examination is administered is considered to have taken the polygraph examination if the person participates to any extent in the formalities of the pre-test phase of the polygraph examination. It also makes clear that nothing prohibits the use of any statements or disclosures voluntarily made in a polygraph examination in the course of a criminal investigation or prosecution, to the fullest extent permitted by law.

Enacted Law Summary

Public Law 2015, chapter 316 contains the following changes to the Polygraph Examiners Act.