

MAINE STATE LEGISLATURE

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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

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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

This bill increases the minimum threshold after which a municipality is required to enforce the Maine Uniform Building and Energy Code to more than 5,000 residents.

LD 1101 An Act To Adopt a Retail Workers' Bill of Rights

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER MIRAMANT	ONTP	

This bill amends the laws regarding the employment practices of employers at retail establishments by requiring the following:

1. Two weeks' prior notice of work schedules to employees, with compensation owed for schedule changes under certain circumstances;
2. Paying part-time employees the same wage as full-time employees;
3. Providing part-time employees the same paid or unpaid time off as full-time employees;
4. Providing part-time employees the same eligibility for promotions as full-time employees; and
5. Offering additional work to part-time employees before hiring new employees or using contractors or temporary staffing services under certain circumstances.

The bill also requires these employers to keep certain business records for at least three years. The Department of Labor, Bureau of Labor Standards may investigate possible violations and receive complaints of possible violations from the public. A fine of \$50 per day is due for any noncompliance. The Attorney General may also file a civil action seeking additional remedies. The Department of Labor may adopt rules to help implement compliance and enforcement of these provisions and must report to the Legislature periodically on violations of the law and its efforts.

LD 1109 An Act To Facilitate the Completion of Training by Certain Cosmetology Students

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU GRATWICK	ONTP	

This bill allows a cosmetology student of the now-closed Mr. Bernard's School of Hair Fashion, Inc., who has at least 1,000 hours of the required 1,500 instruction hours for licensure in cosmetology to fulfill the remaining required instruction hours through experience in the practice of cosmetology as a trainee at a rate of one training hour for every .6 of an instruction hour.

LD 1119 An Act To Amend the Laws Governing the Filing of Wage Statements and Other Laws under the Maine Workers' Compensation Act of 1992

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING WARD	OTP-AM	S-286

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

In response to the Law Court decisions in *Wilson v. Bath Iron Works Corp.*, 2008 ME 47, 942 A.2d 1237 and *Graves v. Brockway Smith Co.*, 2012 ME 128, 55 A.3d 456, this bill amends the law to effectuate results different from those reached by the Court.

Current law provides that a petition under the Maine Workers' Compensation Act of 1992 is barred unless filed within two years after the date of injury or the date that the employer files a required first report of injury, whichever is later. This bill specifies that this provision applies to dates of injury occurring on or after January 1, 1993.

Under current law, if an employer or insurer pays benefits under the Maine Workers' Compensation Act of 1992 within two years after the date of injury or the date that the employer files a required first report of injury, the period during which a petition must be filed is six years from the date of the most recent payment. This bill clarifies that, for dates of injury on or after October 17, 1991, this six-year limitation applies regardless of whether the employer has filed a first report of injury.

This bill also provides that for dates of injury before October 17, 1991, a 10-year limitation applies regardless of whether the employer has filed a first report of injury.

Committee Amendment "A" (S-286)

This amendment replaces the bill and makes various changes in the workers' compensation laws.

1. It maintains the provision in the bill that provides that an employer may report wages of an employee to the Workers' Compensation Board in the same manner as the employee is paid and adds that an employer is not required to report lost time to the Workers' Compensation Board beyond 14 days for an injured employee who has returned to work and subsequently attended medical appointments if the employee did not lose wages for attending such appointments.
2. It requires the Workers' Compensation Board to inform the Maine Insurance Guaranty Association of the association's responsibilities under the Maine Workers' Compensation Act of 1992 within 180 days.
3. It changes the job title of hearing officer to administrative law judge, except for any hearing officer currently serving who is not admitted to the practice of law in Maine.
4. It requires the Workers' Compensation Board to develop rules in regards to the timing and deadlines for independent medical examiner examinations and directs the Workers' Compensation Board to annually report data regarding these examinations to the Legislature.

Enacted Law Summary

Public Law 2015, chapter 297 makes various changes in the workers' compensation laws.

1. It provides that an employer may report wages of an employee to the Workers' Compensation Board in the same manner as the employee is paid and adds that an employer is not required to report lost time to the Workers' Compensation Board beyond 14 days for an injured employee who has returned to work and subsequently attended medical appointments if the employee did not lose wages for attending such appointments.
2. It requires the Workers' Compensation Board to inform the Maine Insurance Guaranty Association of the association's responsibilities under the Maine Workers' Compensation Act of 1992 within 180 days.
3. It changes the job title of hearing officer to administrative law judge, except for any hearing officer currently serving who is not admitted to the practice of law in Maine.

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

4. It requires the Workers' Compensation Board to develop rules in regards to the timing and deadlines for independent medical examiner examinations and directs the Workers' Compensation Board to annually report data regarding these examinations to the Legislature.

LD 1120 An Act To Repeal the Maine Uniform Building and Energy Code ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS STANLEY	ONTP	

This bill repeals the laws establishing the Maine Uniform Building and Energy Code and makes adjustments to certain other laws to make them consistent with law that existed prior to the enactment of Public Law 2007, chapter 699, which created the uniform code. This bill does not reenact the Maine Model Building Code or the energy efficiency building standards that were repealed by Public Law 2007, chapter 699 and replaced by the Maine Uniform Building and Energy Code.

LD 1131 An Act To Create a Domestic Division within the Maine International Trade Center ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	ONTP	

This bill requires the Maine International Trade Center to establish and maintain a domestic division to support, promote and expand trade opportunities with other states and provides funding for two positions at the Maine International Trade Center to staff the domestic division.

LD 1132 An Act To Invest in Maine Companies Died Between Houses

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

This bill creates the Invest in Maine Capital Authority with bonding authority to provide loans or bond funding to major business development projects, which are defined as development projects that have a projected cost of at least \$50,000,000 or are projected to result in the creation or retention of at least 250 full-time employment positions that pay at least 125% of the state annual average weekly wage.

Committee Amendment "A" (S-210)

This amendment is the minority report of the committee and replaces the bill. It authorizes the Finance Authority of Maine to establish the Maine Business Capital Investment Program to provide loans or bond funding to certain eligible business projects. As in the bill, the projects must have projected costs of at least \$50,000,000 or be projected to result in the creation or retention of at least 250 full-time employment positions that pay at least 125% of the state annual average wage. The amendment specifies that the legislation takes effect only upon the receipt by the Finance Authority of Maine for the Maine Business Capital Investment Fund of appropriations, allocations or funds from other funding sources in the amount of at least \$250,000,000.