

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

7. Allows an employer, at any point after completing the transition to a safer alternative, to discontinue use of the safer alternative and report the basis for discontinuation to the department;
8. Stipulates reporting and records retention requirements for the employer, as well as guidelines for access to information by employees and state agencies;
9. Directs the development by the employer of employee training and other informational materials;
10. Authorizes the department to enforce the provisions of the Act and to issue penalties for violations of the Act;
11. Requires the department to adopt all rules necessary to implement the provisions of the Act;
12. Stipulates an effective date for the Act of September 1, 2016; and
13. Directs the department, by January 1, 2016, to submit for legislative review major substantive rules related to the Act.

Committee Amendment "A" (H-328)

This amendment, which is the minority report of the committee, makes a number of changes to the bill, including the following:

1. Expands the definition of "employer" to include employers engaged in employment activities involving the use, handling or storage of chemicals and employers with workplaces constructed of materials or including equipment that release highly toxic chemicals that pose a health risk to employees;
2. Removes the requirement for the Department of Labor to designate toxic and highly toxic chemicals to be regulated by the Act, and instead further defines highly toxic chemicals and directs employers to identify them. The department is required to publish on its publicly accessible website lists of online resources that identify highly toxic chemicals;
3. Requires an employer to contact chemical suppliers and manufacturers for possible safer chemical alternatives and to implement a process for permanent transition to the safer alternative chemicals. If the employer elects not to use safer alternative chemicals, the employer must submit a report to the Department of Labor detailing the basis for not proceeding with the transition to the safer alternative;
4. Requires employers to complete a self-audit for compliance with this Act; and
5. Requires annual employee training that follows the United States Department of Labor, Occupational Safety and Health Administration's globally harmonized system of classification and labeling of chemicals.

LD 1182

An Act To Exempt Certain Agricultural Buildings from the Maine Uniform Building and Energy Code

PUBLIC 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN WHITTEMORE	OTP	

This bill requires the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board, the entity responsible for maintenance of the Maine Uniform Building and Energy Code, to exempt buildings used to house livestock or harvested crops from the code.

Enacted Law Summary

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

Public Law 2015, chapter 126 requires the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board, the entity responsible for maintenance of the Maine Uniform Building and Energy Code, to exempt buildings used to house livestock or harvested crops from the code.

LD 1187 An Act To Specify the Record-keeping Requirements for Social Workers ONTP

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

This bill amends the laws governing social workers by adding new client record-keeping requirements for persons licensed as social workers by the State as well as public and client notice requirements in the event a person licensed by the State discontinues practice.

LD 1188 An Act To Implement a Rental Assistance Program for Low-income Households and Individuals ONTP

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

This bill directs the Maine State Housing Authority to implement a rental assistance program for low-income households and individuals that allocates assistance throughout the State based upon the local area's availability, affordability, condition and cost burden of housing. Under the bill, 100% of available funds are awarded to participants with incomes at or below 30% of the median income of the local area.

LD 1191 An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code Died Between Houses

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

Under current law, all municipalities of more than 4,000 residents must enforce the Maine Uniform Building and Energy Code. Municipalities with 4,000 or fewer residents are not required to adopt or enforce the Maine Uniform Building and Energy Code, but if such a municipality adopts or enforces a building code, it must be the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.

This bill allows, but does not require, a municipality of more than 4,000 residents to adopt and enforce a building code, but it restricts the code that may be adopted or enforced by that municipality to the Maine Uniform Building and Energy Code.

Committee Amendment "A" (S-161)

This amendment is the majority report of the committee and strikes and replaces the bill. Beginning on November 1, 2015, it authorizes a municipality that has more than 4,000 but less than 10,000 residents to vote under its home rule authority to exempt the municipality from the Maine Uniform Building and Energy Code enforcement requirements pursuant to the municipal voting requirements under the Maine Revised Statutes, Title 30-A, chapter 121.