

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

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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 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

LD 1372 An Act To Encourage the Redevelopment of Upper Floors of Buildings in Downtowns and on Main Streets

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R BREEN	OTP-AM	H-311 S-329 HAMPER

This bill is a concept draft pursuant to Joint Rule 208. It proposes to enact measures to encourage municipalities to review and reassess municipal regulations that create barriers to development in downtowns and on main streets. As part of a review and reassessment, a municipality shall consider:

1. Assessing current community needs and environmental impacts of the regulations;
2. Lessening the impact of excessive parking requirements for buildings in downtowns and on main streets; and
3. Extending so-called grandfather provisions relating to the reuse of upper floors of buildings in downtowns and on main streets.

Committee Amendment "A" (H-311)

This amendment strikes and replaces the concept draft. It encourages municipalities to develop policies in the comprehensive planning process that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets.

Senate Amendment "A" To Committee Amendment "A" (S-329)

This amendment adds a mandate preamble.

Enacted Law Summary

Public Law 2015, chapter 349 encourages municipalities to develop policies in the comprehensive planning process that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets.

LD 1373 An Act To Create the Put ME To Work Program

INDEF PP

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

This bill assists Maine residents to obtain highly skilled, high-demand, livable-wage jobs by creating a new jobs training program and improving and funding existing jobs training programs.

Part A establishes the Put ME to Work Program in the Maine Quality Centers to facilitate the establishment of job training programs at postsecondary institutions of higher education in this State by working with private businesses and postsecondary institutions of higher education to provide training to prepare workers for jobs in high-demand fields. In order to participate in the program, a business or group of businesses is required to provide at least 50% of the cost of the program, which may be through in-kind contributions. Part A provides \$250,000 for needs-based

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

tuition assistance, scholarships and grants for students in the program and \$650,000 to match funding or in-kind contributions by businesses participating in the program.

Part A also provides \$100,000 to the Industry Partnership Assistance Collaborative to fund a position and associated costs within the collaborative.

Part B allows employers to make voluntary donations to the Competitive Skills Scholarship Fund. These donations would be in addition to the required employer contributions and would be used for the Competitive Skills Scholarship Program.

Committee Amendment "A" (H-442)

This amendment, which is the majority report of the committee, eliminates the \$100,000 funding in the bill for the Industry Partnership Assistance Collaborative and instead adds it to the appropriation for the Maine Community College System's Maine Quality Centers for a total of \$1,000,000 in each year of the fiscal biennium. The Maine Quality Centers appropriation is consolidated to include use both for tuition assistance for individuals participating in workforce training and to match funding and contributions from participating businesses.

The amendment directs the Board of Trustees of the Maine Community College System to adopt necessary policies and procedures for the Maine Quality Centers, including consideration of at least five specific factors. It also requires program participants to use existing financial aid resources available through their sponsoring postsecondary education institution before using program resources, which may be used only for unmet expenses for tuition, fees or books.

Additionally, the amendment requires participating employers under the Put ME to Work Program to hire successful trainees at a rate at least \$2.50 per hour more than the minimum hourly wage rate as set in Maine statute and to pay incumbent worker trainees an hourly wage that meets or exceeds the median wage for that occupation as identified by the Center for Workforce Research and Information within the Department of Labor.

The amendment eliminates the provision of the bill that allows employers to make voluntary donations to the Competitive Skills Scholarship Fund.

This amended version of the bill was incorporated into the Biennial Budget, Public Law 2015, chapter 267, Part A, section A-11 and Part AAAA.

Committee Amendment "B" (H-443)

This amendment, which is the minority report of the committee, strikes the bill and replaces it with a workforce training program to be administered jointly by the Department of Labor and the State Workforce Investment Board.

The amendment replaces the requirement in the bill that participating businesses provide at least 50% of the cost of the program with a preference for such businesses when granting applications. Additionally, for industry partnership applicants, seven factors are also taken into account when reviewing applications.

The amendment requires participating employers to hire trainees at a rate at least \$2.50 per hour more than the state-mandated minimum hourly wage rate and to pay incumbent worker trainees with an hourly wage that meets or exceeds the median wage for that occupation as identified by the Center for Workforce Research and Information within the Department of Labor.

The amendment eliminates the \$100,000 funding per fiscal year in the bill for the Industry Partnership Assistance Collaborative and the \$900,000 per fiscal year funding in the bill for the Maine Community College System's Maine Quality Centers. Funding is instead directed to the State Workforce Investment Board at a level of \$500,000 in the first fiscal year and \$750,000 in the second fiscal year. This funding is to be used to match contributions of participating businesses and to support a portion of the cost of one Labor Program Specialist position to manage the

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Put ME to Work Program.

**LD 1384 An Act To Improve Workplace Safety by Simplifying and Improving
Employers' Substance Abuse Policy Requirements**

CARRIED OVER

Sponsor(s)
STETKIS

Committee Report

Amendments Adopted

This bill makes the following changes to the laws governing employment practices concerning substance abuse testing.

1. It specifies that employers may establish policies or rules related to the possession or use of substances of abuse by employees and for employee impairment by substances of abuse at the workplace.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It authorizes an employer that has employees subject to a federally mandated substance abuse testing program to extend its federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must maintain the privacy protections that Maine statute affords all other Maine employees.
4. Current law prohibits a single work-related accident from forming the basis of probable cause to believe that an employee may be under the influence of a substance of abuse. This bill amends the law to provide that a single work-related accident that results in injury or significant property damage may be probable cause to suspect an employee is under the influence of a substance of abuse.
5. It eliminates the current requirement that, prior to establishing a substance abuse testing program, an employer with over 20 full-time employees have a functioning employee assistance program.
6. It directs the Commissioner of Labor to develop model policy templates with adequate flexibility so as to facilitate the ability of the employers' substance abuse testing programs and policies to meet the requirements of the Maine Revised Statutes, Title 26, chapter 7, subchapter 3-A to develop new policies or update existing policies.
7. It expands the number of establishments that can undertake companywide random substance abuse testing from those with 50 or more employees to those with 10 or more employees.
8. It eliminates the requirement that employers share an employee's rehabilitation costs not covered by group health insurance and clarifies that rehabilitation costs not covered by a group health insurance program are the responsibility of the employee.
9. It specifies that testing at the point of collection of saliva or urine is permissible for both applicants for employment and for employees.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.