

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND 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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STAFF:

HENRY FOUTS, LEGISLATIVE ANALYST
JANET STOCCO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

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STATE OF MAINE

127TH LEGISLATURE

SECOND 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 Second 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.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. 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

11. It provides that confirmed positive substance use tests may be reported to the employee only by a medical review officer and allows an employee to provide a legitimate medical explanation for a positive test result for legally obtained medications, preventing the medical review officer from reporting a positive test for that substance to the employer.

12. It allows testing laboratories to use federal testing standards to encourage testing of biological samples beyond urine and blood.

13. It adds a new civil violation for any employer noncompliance with the substance use testing laws, for which a fine of not more than \$500 for the first violation, \$750 for the second violation and \$1,000 for third and subsequent violations may be adjudged.

This amendment was not adopted.

LD 1389

An Act To Conform Maine Law to Federal Law Regarding Closings and Mass Layoffs and To Strengthen Employee Severance Pay Protections

PUBLIC 417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-409

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill clarifies and strengthens the laws governing severance pay. It adds definitions for "closing," "mass layoff," "part-time employee," "employment loss" and "gross earnings." It provides that ambiguous language of an employer regarding the duration and nature of an employment loss may not be construed to prevent potential liability for payment of severance.

The bill changes the circumstances that mitigate liability for severance pay by adding the closing of a covered establishment that is necessitated by the final order of a federal, state or local government agency, including an adjudication of bankruptcy. It amends the laws governing advance notice of a closing so they conform to the federal Worker Adjustment and Retraining Notification Act, also known as the WARN Act, 29 United States Code, Sections 2101 to 2109 (2014) and changes the designation of rules from major substantive to routine technical.

Committee Amendment "A" (S-409)

This amendment makes a number of changes to the bill, including the following.

1. It adds a mass layoff as a condition triggering severance pay liability, and changes the new definition of "mass layoff" to encompass a six-month period as opposed to the 30-day period in the bill.
2. It defines "eligible employee" for purposes of severance pay eligibility, and expands eligibility to employees who have voluntarily quit employment with a covered establishment within a 30-day period prior to the date set in a notice of a mass layoff or closing provided by the employer under state or federal law.
3. It requires the severance pay calculation for an employee to include partial years worked by an employee and to include any weeks that the employee received gross earnings, as opposed to having worked, in the 12 months prior to an establishment closing or instituting a mass layoff.
4. It eliminates the exemption from severance pay and notice requirements when a closing or mass layoff is due to an adjudication of bankruptcy and clarifies the bill's elimination of the exemption from severance pay for an establishment that files for bankruptcy protection.

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

5. It changes the notification requirements in the bill to include when an establishment relocates, consistent with current law.

Enacted Law Summary

Public Law 2015, chapter 417 makes several changes to clarify and strengthen the laws governing severance pay and the notification requirements regarding changes in certain businesses operations, including the following.

1. It adds a “mass layoff” as a condition triggering employer severance pay liability and notice requirements and defines the term to mirror the definition in the federal Workers Adjustment and Retraining Notification Act, also known as the WARN Act, 29 U.S.C. sections 2101 to 2109 (2014).
2. It defines "eligible employee" for purposes of severance pay eligibility and expands eligibility to employees who have voluntarily quit employment with a covered establishment within a 30-day period prior to the date set in a notice of a mass layoff or closing provided by the employer under state or federal law.
3. It requires the severance pay calculation for an employee to include partial years worked by an employee and to include any weeks that the employee received gross earnings, as opposed to having worked, in the 12 months prior to an establishment closing or instituting a mass layoff.
4. It eliminates the current exemption from severance pay liability for an employer that has filed for bankruptcy.
5. It changes the circumstances that mitigate liability for severance pay by adding the closing of, or mass layoff at, a covered establishment that is necessitated by the final order of a federal, state or local government agency.
6. It changes the designation of rules regarding severance pay and employer notifications of closings, relocations and mass layoffs from major substantive to routine technical.

LD 1471 Resolve, To Facilitate the Distribution of Food Harvested in Maine to Residents with Food Insecurity

RESOLVE 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M HICKMAN C	OTP-AM	S-373

This resolve directs the Finance Authority of Maine to contract with a statewide entity to purchase, process, store and transport agricultural products and seafood harvested in the State to provide access to those agricultural products and seafood to residents of the State with food insecurity. The resolve requires the authority to select the entity through a request for proposal process and to require the selected entity to submit an annual report to the joint committee of the legislature having jurisdiction over agriculture, conservation and forestry matters regarding the selected entity's progress toward and the additional efforts needed to achieve the purpose of providing food to residents of the State with food insecurity. The initiative is funded using \$3,000,000 transferred on a one-time basis from the Fund for a Healthy Maine. The resolve specifies that the authority is responsible for administering the funds and may retain a portion of the funds for the reasonable administrative costs incurred by the authority.

Committee Amendment "A" (S-373)

This amendment makes the following changes to the resolve.

1. It changes the title of the resolve to clarify the program's focus on food harvested in Maine.
2. It specifies that both fresh and fresh frozen fruits, vegetables and seafood harvested in Maine may be provided through the program.