

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
128TH 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 2017

MEMBERS:

SEN. AMY F. VOLK, CHAIR
SEN. BRIAN D. LANGLEY
SEN. SHEENA LEE BELLOWS

REP. RYAN M. FECTEAU, CHAIR
REP. ANNE-MARIE MASTRACCIO
REP. DILLON F. BATES
REP. JAMES R. HANDY
REP. DONNA R. DOORE *
REP. MICHELLE DUNPHY*
REP. MICHAEL A. SYLVESTER
REP. SUSAN M. W. AUSTIN
REP. LAWRENCE E. LOCKMAN
REP. JOEL R. STETKIS
REP. KAREN R. VACHON

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/>

*Committee member for a portion of the session

STATE OF MAINE

128TH 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 128th 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 FINAL 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 128th Legislature is Wednesday, November 1, 2017. 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 65 An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L CUSHING A	ONTP OTP-AM	

This bill prohibits a person, either in the public or private sector, from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations.

Committee Amendment "A" (H-466)

This amendment provides funding for one part-time Assistant Attorney General position and one part-time Detective position to investigate and prosecute violations concerning the right to refrain from joining a union.

This amendment was not adopted.

LD 66 An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L DAVIS P	ONTP OTP	

This bill prohibits a public employer from collecting service fees or member dues owed by an employee to a collective bargaining agent pursuant to a lawful collective bargaining agreement. Current law expressly allows a public employer to take this deduction without signed authorization from the public employee. This bill also eliminates language from the election statutes that exempts a public employer from the Class C crime of misuse of a state government computer system for deducting dues or other funds from an employee's pay and remitting those funds to the employee's collective bargaining agent.

LD 67 An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty Accepted Minority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M BREEN C	OTP-AM ONTP	

This bill creates a rebuttable presumption that a personal injury to a paid or volunteer firefighter or a paid or volunteer emergency medical services person considered an employee within the meaning of the Maine Workers' Compensation Act of 1992 is considered to arise out of and in the course of employment and is compensable under the Act if the personal injury occurs at any time after the firefighter or emergency medical services person receives notice of a fire or emergency and is in the process of responding. It also prohibits an insurer or employer providing self-insurance from limiting benefits for such emergency first responders to personal injuries that occur after the emergency first responder begins travelling on a public way.

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

Committee Amendment "A" (H-43)

This amendment, which is the majority report, replaces the bill with a resolve directing the Workers' Compensation Board to study shortcomings in workers' compensation insurance coverage for emergency first responders and to report its findings and proposed solutions to the joint standing committee by December 15, 2017. The joint standing committee has authority to report out a bill in response to this report in the Second Regular Session of the 128th Legislature. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 84 An Act To Clarify the Contracts Used for Automobile Sales ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D MASTRACCIO A	ONTP	

This bill requires a motor vehicle dealer to provide a buyer of a motor vehicle with a plain language written summary explaining: the vehicle purchase price; each charge, tax and fee pertinent to the agreement; all interest and other financing costs to be paid pursuant to a financing agreement with or facilitated by the dealer; and the total of all costs, including the total cost over the life of a financing agreement with or facilitated by the dealer. If the dealer fails to obtain the buyer's written acknowledgment on the summary, the sales agreement is void and the buyer may recover all of his or her costs from the dealer.

LD 86 An Act To Protect Worker Wages and Benefits INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D KUMIEGA W	OTP ONTP	

Current law provides that an employee whose employment has ceased is entitled to earned wages from the employer, including unused vacation time when paid vacation was included in the terms of employment, upon a reasonable time after that employee makes a demand for such payment from the employer, and that the employee may bring a civil action against an employer that does not comply with this requirement.

This bill eliminates the requirement that the employee make a demand for the earned compensation with the employer. Instead, earned wages must be paid by the employer within a reasonable amount of time after the cessation of employment, regardless of whether the employee has made a demand for the wages.

LD 114 An Act To Increase the Number of Suboxone Prescribers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C BREEN C	ONTP	

This bill requires all osteopathic and allopathic physicians and physician assistants whose scope of practice includes prescribing opioid medication to apply to the federal Drug Enforcement Administration for authority to treat opioid dependency using buprenorphine products. The bill also requires the Department of Health and Human Services to increase reimbursement rates under the MaineCare program for buprenorphine-medication-assisted substance abuse