

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
128<sup>TH</sup> 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

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# STATE OF MAINE

128<sup>TH</sup> 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 128<sup>th</sup> 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 128<sup>th</sup> 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 466**      **An Act To Protect Employees from Abusive Work Environments**

**ONTP**

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

This bill provides legal relief for employees who have been harmed psychologically, physically or economically by exposure to abusive work environments. Employees and employers who subject an employee to an abusive work environment are liable, and employers are vicariously liable for the abusive workplace conduct of their employees, in a private civil action brought by the affected employee. The legal remedies made available by this bill do not limit any other legal rights of an individual, except that workers' compensation benefits received under the Maine Revised Statutes, Title 39-A for the same injury or illness must be reimbursed from compensation that is earned through the legal remedies made available by this bill.

**LD 487**      **An Act To Promote Keeping Workers in Maine**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNECK J BELLOWS S	OTP-AM ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to regulate the use of so-called noncompete agreements, which are contracts entered into by an employee prohibiting the employee from working in the same or a similar profession within a time certain after leaving employment with the employer and within a specified geographical area. This bill would restrict the use of noncompete agreements by public and private employers by:

1. Prohibiting their use for low-wage employees;
2. Requiring employers to include in any advertisement for a job a statement that the person hired will be required to sign a noncompete agreement;
3. Requiring employers to notify prospective employees of the noncompete requirement and provide a copy of the noncompete agreement before extending a job offer;
4. Requiring employers to provide additional compensation to those employees who agree to sign a noncompete agreement;
5. Restricting the use of noncompete agreements to those situations when they are necessary to protect trade secrets or confidential information held by that employer;
6. Limiting the duration of noncompete agreements so that they would have to be renegotiated and agreed to after a certain period of time; and
7. Allowing an employee harmed by the unlawful use of a noncompete agreement to bring suit against the employer and, if the employee prevails, be awarded damages, attorney's fees and court costs.

**Committee Amendment "A" (H-49)**

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

This amendment is the majority report of the committee. It replaces the bill and prohibits an employer from requiring or entering into a so-called noncompete agreement with an employee earning wages that are at or below 300% of the federal poverty level. A noncompete agreement is defined as a contract or contract provision that prohibits an employee or prospective employee from working in the same or similar profession or in a specified geographic area for a certain period of time following termination of employment. If an employer requires a noncompete agreement for a position of employment, the employer must disclose that requirement in any advertisement for that position, and an employer must provide an employee or prospective employee with a copy of a noncompete agreement at least three business days before requiring that employee or prospective employee to sign the agreement. The terms of a noncompete agreement, except for a noncompete agreement with a physician, are not in effect until after an employee has been employed with the employer for at least one year or a period of six months has passed, whichever is later. An employer that violates this law commits a civil violation for which a fine of not less than \$5,000 may be adjudged. The Department of Labor is responsible for enforcement of the law. The amendment also adds an appropriations and allocations.

This amendment was not adopted.

**LD 488      An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILLWAY J VOLK A	OTP ONTP	

This bill allows a municipality to enact an ordinance allowing grocery stores with up to 10,000 square feet of interior customer selling space to be open on Easter Day, Thanksgiving Day and Christmas Day.

**LD 489      An Act To Ensure Firefighters Receive Cancer Treatment Pursuant to the Maine Revised Statutes, Title 39-A      ONTP**

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

Under current law, there is a rebuttable presumption that if a firefighter meeting certain requirements contracts cancer, the cancer was contracted in the course of that employment and as a result of that employment. This bill amends that provision of law to establish the presumption as conclusive, rather than rebuttable.

**LD 490      An Act To Exempt Chiropractic Assistants from Being Required To Hold Licenses as Radiographers, Nuclear Medicine Technologists or Radiation Therapists      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N HAMPER J	ONTP	

Under current law, dental hygienists are not required to be licensed under the laws governing radiography to take x-rays. This bill provides the same exemption to chiropractic assistants.