

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE

128TH 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 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

supports and educational supports;

13. Align Maine's system of learning results with technical skills for current employment needs, support technical courses in high schools and integrate those courses with the high school curriculum and identify for middle school and secondary school students career paths that include alternatives that do not require college educations;

14. Identify barriers to the reentry by older citizens into the workforce;

15. Establish a program to identify and eliminate unfavorable tax policies with respect to retirement income and pensions and tax policies that discourage older citizens and retirees from returning to the workforce; and

16. Promote education to allow seniors to develop new skills.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 673

An Act To Restore the Tip Credit to Maine's Minimum Wage Law

PUBLIC 272

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R HUBBELL B	OTP-AM ONTP	S-209 H-518 FECTEAU R

This bill eliminates the scheduled increases in the minimum wage applicable to service employees and starting January 1, 2018, establishes the tip credit in the minimum wage laws at 50% of the general minimum hourly wage.

Committee Amendment "A" (S-209)

This amendment keeps the provisions in the bill restoring the tip credit in the minimum wage laws, and it makes the following additional changes to current law.

1. It clarifies that for purposes of the tip credit, wages must be measured in the context of the seven-day work week.
2. It clarifies that an employer may not deduct any amount from employee tips charged to a credit card, including, but not limited to, service fees assessed to the employer in connection with the credit card transaction.
3. It adopts the current requirements in federal law, found at 29 Code of Federal Regulations, Section 531.54 and 29 Code of Federal Regulations, Section 531.59(b), requiring an employer to provide notice to employees affected by the employer's use of a tip credit and the employer's use of a tip pooling arrangement.

The amendment also adds an emergency preamble and clause.

House Amendment "A" To Committee Amendment "A" (H-518)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2017, chapter 272 eliminates the scheduled increases in the minimum wage applicable to service employees and starting January 1, 2018, establishes the tip credit in the minimum wage laws at 50% of the general minimum hourly wage.

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

It also makes the following additional changes to current law.

1. It clarifies that for purposes of the tip credit, wages must be measured in the context of the seven-day work week.
2. It clarifies that an employer may not deduct any amount from employee tips charged to a credit card, including, but not limited to, service fees assessed to the employer in connection with the credit card transaction.
3. It adopts the current requirements in federal law, found at 29 Code of Federal Regulations, Section 531.54 and 29 Code of Federal Regulations, Section 531.59(b), requiring an employer to provide notice to employees affected by the employer's use of a tip credit and the employer's use of a tip pooling arrangement.

LD 699 An Act To Enact the Toxic Chemicals in the Workplace Act

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B GRATWICK G	OTP-AM ONTP	

This bill enacts the Toxic Chemicals in the Workplace Act to create a statutory and regulatory framework designed to prevent harm to employees by reducing exposure to highly toxic chemicals in the workplace and thereby decrease the rates of cancer and other chronic diseases in the State, improve workplace chemical management and safety and ensure safer workplaces and healthier communities.

This bill specifically:

1. Directs employers to identify highly toxic chemicals and directs the Department of Labor to publish lists of online resources that identify highly toxic chemicals;
2. Requires employers subject to the provisions of the Act to develop and implement a written alternative chemical work plan and designate a transition team to assist in transitioning from highly toxic chemicals in the workplace to safer alternatives;
3. Directs the transition team to inventory all chemicals in the workplace, both toxic and nontoxic, and determine which chemicals have been designated as highly toxic chemicals;
4. Requires the transition team to develop a priority ranking of all identified highly toxic chemicals, based on a number of criteria, to assist in determining which chemicals will be transitioned to safer alternatives;
5. Directs the transition team, as part of developing the priority ranking, to conduct for each highly toxic chemical an alternatives analysis that includes, among other things, a detailed financial analysis of the costs of substituting an alternative;
6. Requires the transition team to decide which alternatives to highly toxic chemicals are safer alternatives and which safer alternatives should be tested and evaluated for permanent transition. After testing and evaluation of selected safer alternatives, the employer, with the transition team, may elect to transition to a safer alternative on a permanent basis;
7. Requires an employer to contact chemical suppliers and manufacturers for possible safer alternatives and to implement a process for permanent transition to the safer alternatives. If the employer elects not to use safer alternatives, the employer must submit a report to the Department of Labor detailing the basis for not proceeding