

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**

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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.

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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

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with the transition to the safer alternatives;

- 8. Requires employers to complete self-audits for compliance with this Act;
- 9. Stipulates reporting and records retention requirements for the employer, as well as guidelines for access to information by employees and state agencies;
- 10. Requires annual employee training that follows the United States Department of Labor, Occupational Safety and Health Administration's globally harmonized system of classification and labeling of chemicals;
- 11. Requires the Department of Labor to enforce the provisions of the Act and authorizes the department to issue penalties for violations of the Act;
- 12. Requires the Department of Labor to adopt all rules necessary to implement the provisions of the Act;
- 13. Stipulates an effective date for the Act of September 1, 2018; and
- 14. Directs the Department of Labor, by January 1, 2018, to submit for legislative review major substantive rules related to the Act.

Committee Amendment "A" (H-135)

This amendment is the majority report of the committee. It replaces the bill with a resolve directing the Commissioner of Labor to convene a task force to develop procedures and guidelines to assist nonagricultural employers in implementing a program for the substitution of highly toxic and hazardous chemicals in the workplace. The commissioner must submit a report of the task force's findings and recommendations to the committee no later than December 15, 2017.

This amendment was not adopted.

LD 700 An Act To Give Flexibility to Employees and Employers for Temporary Layoffs CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| PARRY W BELLOWS S | | |

This bill creates an exemption from the eligibility requirements for unemployment benefits dealing with work search for an individual otherwise eligible for unemployment benefits when that individual has been temporarily laid off with a definite recall date of not more than 12 weeks from the date of the individual's temporary layoff.

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

LD 701 An Act To Establish the Maine Paid Family Leave Insurance Program ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|---------------------------|
| DAUGHTRY M MILLETT R | ONTP | |

This bill creates the Maine Paid Family Leave Insurance Program to provide wage-replacement benefits to persons who qualify for family medical leave. The program is funded by employee contributions and provides two-thirds of