

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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***

6. It repeals the January 1, 2020 repeal provision on the eligibility for the program of a full-time student at a public secondary school enrolled in a career and technical education program at a career and technical education center or a career and technical education region.

This amendment also amends the law allowing a minor 16 or 17 years of age to be employed in an otherwise hazardous occupation for which the minor has been trained or certified from a vocational, career and technical or cooperative education program approved by the Department of Education, if the minor has graduated from the program, by adding a requirement that the minor has also graduated from high school.

**LD 700**

**An Act To Give Flexibility to Employees and Employers for Temporary Layoffs**

**PUBLIC 453  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W BELLOWS S	OTP-AM	H-749 S-456 VOLK A S-521 HAMPER J

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138. This bill was reported out of committee and then carried over on the Special Appropriations Table from the Second Regular Session to the Second Special Session by joint order S.P. 748.

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.

**Committee Amendment "A" (H-749)**

This amendment strikes and replaces the bill. It creates an exemption from the eligibility requirements for unemployment benefits dealing with work search. Under this new exemption, an individual who has been temporarily laid off by an employer with a definite recall date and is otherwise eligible for unemployment benefits is exempt from the requirement to search for work while receiving benefits, as long as the individual remains in contact with and is able and available to work for that employer. This exemption may be used up to six weeks during an individual's unemployment benefit year, and may be used beyond six weeks subject to approval by the Department of Labor.

The amendment limits the area in which an individual must be able and available to work to a geographic area that is not more than 35 miles from the individual's residence, and it limits the reemployment services and eligibility assessment requirements to individuals who have not completed those requirements in the prior five years. It also adds an emergency preamble and clause and an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-456)**

This amendment adds to the Committee Amendment a requirement that the Department of Labor report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2021, regarding the effects of the exemption created to allow a temporarily laid off employee to obtain benefits from the Unemployment Trust Fund without completing the work search requirements, including aggregate data regarding the employees and employers affected and the amount of benefits paid. The committee is authorized to report out a bill to the First Regular Session of the 130th Legislature related to the report.

**Senate Amendment "B" To Committee Amendment "A" (S-521)**

This amendment changes the allocation to fiscal year 2018-19.

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

## Enacted Law Summary

Public Law 2017, chapter 453 creates an exemption from the eligibility requirements for unemployment benefits dealing with work search. Under this new exemption, an individual who has been temporarily laid off by an employer with a definite recall date and is otherwise eligible for unemployment benefits is exempt from the requirement to search for work while receiving benefits, as long as the individual remains in contact with and is able and available to work for that employer. This exemption may be used up to six weeks during an individual's unemployment benefit year, and may be used beyond six weeks subject to approval by the Department of Labor.

This law also limits the area in which an individual must be able and available to work to a geographic area that is not more than 35 miles from the individual's primary residence, and it limits the reemployment services and eligibility assessment requirements to individuals who have not completed those requirements in the prior five years.

It requires the Department of Labor to report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2021 regarding the effects of the exemption that allows a temporarily laid off employee to obtain unemployment benefits without completing the work search requirements, including aggregate data regarding the employees and employers affected and the amount of benefits paid. The committee is authorized to report out a bill to the First Regular Session of the 130th Legislature related to the report.

Public Law 2017, chapter 453 was enacted as an emergency measure effective July 9, 2018.

### LD 912      **An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R BRAKEY E	OTP-AM OTP-AM OTP-AM ONTP	H-745 S-490    KATZ R

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138. The bill was reported out of committee during the Second Regular Session. On adjournment of the Second Regular Session, Committee Amendment "A" (H-745) had been adopted in the House and Committee Amendment "C" (H-747) had been adopted in the Senate in non-concurrence. The bill was then carried over from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to amend the current law to establish that practices or treatments that seek to change an individual's sexual orientation or gender identity are prohibited for certain professionals licensed under the Maine Revised Statutes, Title 32 and to establish penalties for that conduct.

#### **Committee Amendment "A" (H-745)**

This amendment is the majority report of the committee and replaces the bill, which is a concept draft. This amendment does the following.

1. It defines "conversion therapy" as any practice or treatment that seeks to change an individual's sexual orientation or gender identity, except for counseling or treatment intended to assist an individual undergoing a gender transition; counseling intended to provide acceptance, support and understanding to the individual; and counseling intended to facilitate the individual's coping, social support or identity exploration and development, including any therapeutic intervention such as talk therapy that is neutral with regard to sexual orientation, and that seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to