

# 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.

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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

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a person's average weekly wage or 100% of the state average weekly wage, whichever is lower, for up to six weeks in any 12-month period. Employee contributions are collected on a sliding scale based on wages.

**LD 702      An Act To Restore the Tip Credit to Maine Employees      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S LANGLEY B	ONTP	

This bill restores the tip credit in the minimum wage laws.

**LD 772      An Act To Ensure Transparency in Public Union Negotiations      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N BRAKEY E	ONTP OTP-AM	

This bill amends the Freedom of Access Act by making collective bargaining meetings between public employers and a collective bargaining unit conducted pursuant to the municipal public employees labor relations laws, the state employees labor relations laws or the judicial employees labor relations laws public proceedings under the Act and therefore subject to the open meeting and notice requirements of the Act.

**Committee Amendment "A" (H-306)**

This amendment is the minority report of the committee. It incorporates a fiscal note.

This amendment was not adopted.

**LD 774      An Act To Create a Training Wage      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J CUSHING A	ONTP	

This bill provides a minimum hourly training wage of \$1.00 above the federal minimum wage for a person who is 20 years of age or under and is a student at a secondary or postsecondary school.

**LD 775      An Act To Prohibit the Minimum Wage from Exceeding the New England Average      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L KATZ R	ONTP	

This bill provides that the minimum wage may not exceed the average minimum wage paid in the New England states, as determined by the Commissioner of Labor.