

# 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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HENRY FOUTS, LEGISLATIVE ANALYST  
JANET STOCCO, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/legis/opla/>

\*Committee member for a portion of the session

# 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 831**     **An Act To Base the Minimum Wage on a New England State Average  
and To Restore the Tip Credit**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D SIROCKI H	ONTP OTP-AM	

This bill provides that starting January 1, 2018 the minimum hourly wage is the average minimum hourly wage in the New England states of New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island on July 1st of the previous year, as determined annually by the Commissioner of Labor. It also restores the tip credit starting January 1, 2018.

**Committee Amendment "A" (S-210)**

This amendment is the minority report of the committee. It replaces the title and the bill and 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.

This amendment was not adopted.

**LD 848**     **An Act To Support Law Enforcement Officers and First Responders  
Diagnosed with Post-traumatic Stress Disorder**

**PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J VOLK A	OTP-AM	H-448

This bill establishes a rebuttable presumption under the laws governing workers' compensation that when a law enforcement officer, firefighter, corrections officer or emergency medical services worker is diagnosed by a licensed physician specializing in psychiatry or a licensed psychologist as having post-traumatic stress disorder, the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment.

**Committee Amendment "A" (H-448)**

This amendment changes the rebuttable presumption in the workers' compensation laws created by the bill by requiring that a psychiatrist or psychologist must diagnose the employee as having post-traumatic stress disorder resulting from work stress that was extraordinary and unusual and that the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder. The amendment also eliminates corrections officers from the classes of employees that are eligible for the presumption. This amendment directs the Workers' Compensation Board to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 2022, analyzing the number of claims brought as a result of the provisions of the bill, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of the bill on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety are directed to assist the board in developing the report, and the board is required to seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report. This amendment also repeals the new rebuttable presumption October 1, 2022, and adds a mandate preamble.

**Enacted Law Summary**

Public Law 2017, chapter 294 establishes a rebuttable presumption under the laws governing workers' compensation that when a law enforcement officer, firefighter or emergency medical services worker is diagnosed by a psychiatrist