

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH 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

128TH 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 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th 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

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

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

change the individual's sexual orientation or gender identity.

2. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice, unless the action is performed by a member of clergy who is performing counseling services as part of religious duties in connection with a specific synagogue or church of any religious denomination and not in exchange for monetary compensation. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.

3. It prohibits certified school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants, and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license or certification, including but not limited to suspension or revocation of the license or certification.

4. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

5. It adds a statement of legislative findings and intent.

This amendment was adopted by both the House and the Senate.

Committee Amendment "C" (H-747)

This amendment is one of three minority reports of the committee and replaces the bill, which is a concept draft. This amendment does the following.

1. It defines conversion therapy as any aversive practice or treatment that seeks to change an individual's sexual orientation or gender identity and clarifies that talk therapy is not considered conversion therapy.

2. It defines aversive practice or treatment as any practice or treatment that is intended to induce changes in behavior through unpleasant stimuli or punishment and provides examples of aversive practices or treatments.

3. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.

4. It prohibits certified school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants, and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license or certification, including but not limited to suspension or revocation of the license or certification.

5. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

This amendment was originally adopted by the Senate, but the Senate later reconsidered that action and adopted the majority committee report (H-745).

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

Committee Amendment "B" (H-746)

This amendment is one of three minority reports 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, gender identity or gender expression or to reduce or eliminate sexual or romantic attractions or feelings toward individuals of the same gender 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; counseling intended to facilitate the individual's coping, social support or identity exploration and development, including any therapeutic intervention that is neutral with regard to sexual orientation and seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change the individual's sexual orientation or gender identity; and talk therapy that is intended to assist an individual who has expressed the individual's own goal of changing the individual's sexual orientation, gender identity or gender expression or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender.
2. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice unless the action is performed by a member of clergy who is performing counseling services as part of religious duties and in connection with a specific synagogue or church of any religious denomination or when the action is performed by a licensed or certified professional who is subject to professional discipline for engaging in conversion therapy.
3. It prohibits certified school psychologists and guidance counselors; nurses; doctors; physician assistants; psychologists; psychological examiners; alcohol and drug counselors and aides; social workers; pharmacists and pharmacy technicians; professional counselors; marriage and family therapists; pastoral counselors; speech-language pathologists and assistants; and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license or certification, including but not limited to suspension or revocation of the license or certification.
4. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

Senate Amendment "A" To Committee Amendment "A" (S-483)

This amendment specifies that the exemption from the Unfair Trade Practices Act for a priest, rabbi, member of the clergy or minister does not apply if that priest, rabbi, member of the clergy or minister receives monetary compensation in excess of the monetary compensation received as an employee of a specific synagogue or church.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-490)

This amendment clarifies that a school psychologist or guidance counselor who administers conversion therapy is subject to sanctions, which could include certificate revocation and suspension, and only for conduct that occurred within five years. The amendment specifies that the legislation does not apply to the activities of a priest, rabbi, member of the clergy or minister unless that person receives monetary compensation specifically for those activities. This amendment also removes from the legislative findings and intent section language regarding the United Nations Committee against Torture and Human Rights.