

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**

August 2017

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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.

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

LD 1518 An Act To Formalize the Governance of the Maine Educational and Attainment Research Navigation System, a Longitudinal Data Series for Workforce Information

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K	ONTP OTP-AM	

This bill establishes in statute the Maine Educational and Attainment Research Navigation System, a longitudinal data series of education and training outcomes, within the Department of Labor and creates the Maine Educational and Attainment Research Navigation System Executive Council to provide oversight. It repeals the provisions establishing the State Education and Employment Outcomes Task Force, which currently develops procedures for the data series.

Committee Amendment "A" (H-346)

This amendment is the minority report of the committee. It reduces funding no longer needed as the result of eliminating the State Education and Employment Outcomes Task Force.

This amendment was not adopted.

LD 1529 An Act To Protect Consumers during Residential Construction

PUBLIC 166

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B	OTP-AM	S-166

This bill amends the laws governing home construction contracts in the following ways.

1. It increases the threshold upon which a written home construction contract is required from \$3,000 to \$5,000.
2. It repeals the provision in current law that allows homeowners or lessees and home construction contractors to exempt themselves from the home construction contract requirements by mutual consent.
3. It requires a home construction contractor to deposit funds received from a home construction contract into a business account that is separate from any account used for personal use by the contractor. A home construction contractor who violates this requirement commits a misapplication of home construction funds, a new Class E crime established by the bill, which also subjects the contractor to the escrow requirements established by the bill and a fine of not less than \$100 nor more than \$1,000.
4. If a home construction contractor has been convicted of misapplication of home construction funds or home repair fraud in the State, or any similar crime in another jurisdiction, the bill requires the contractor to put funds received in an escrow account or obtain an indemnity contract or surety bond. A person who violates these requirements is subject to a civil violation that carries a fine of not less than \$100 nor more than \$1,000. A person who violates these requirements and causes a homeowner or lessee to suffer a financial loss that is more than \$1,000 but not more than \$10,000 commits a Class D crime and commits a Class C crime when that financial loss is more than \$10,000.

Committee Amendment "A" (S-166)

This amendment strikes and replaces the bill. The amendment expands the crime of home repair fraud in Maine

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

Revised Statutes Title 17-A, section 908 to include fraud that occurs in connection with initial construction of a residence.

Enacted Law Summary

Public Law 2017, chapter 166 expands the crime of home repair fraud in Maine Revised Statutes Title 17-A, section 908 to include fraud that occurs in connection with initial construction of a residence.

LD 1530 An Act To Amend the Laws Governing Unemployment Compensation

PUBLIC 117

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B	OTP	

The purpose of this bill is to bring consistency to Maine's employment security law and bring it into compliance with changes in federal law. The bill:

1. Repeals outdated provisions;
2. Provides that nominal fees or stipends paid to a volunteer are excluded from the definition of wages and specifies that a volunteer does not meet the definition of "employee";
3. Clarifies the status of workers with specific disabilities who are not eligible for unemployment in order to be consistent with changes to state and federal wage and hour laws;
4. Reflects changes to a program name in the federal law;
5. Specifies that unemployment benefits will not be awarded to an employee during a mutually agreed-upon leave or sabbatical leave from the employee's employer;
6. Provides that a reduction in hours initiated by the employee and agreed upon by the employee and employer does not qualify the employee for unemployment benefits;
7. Amends the requalification amount specified under the provision governing absence from work due to incarceration so as to align with the requalification amount specified in provisions governing discharge from work due to misconduct;
8. Amends the definition of "intermittent employment" to specify that employees who have the same reduction in hours of work each year due to the cyclical nature of their employers' business are not eligible for work-sharing benefits; and
9. Specifies that an employer's experience rating may not be charged when an employee has requested an unpaid, voluntary reduction in hours.

Enacted Law Summary

Public Law 2017, chapter 117 makes the following changes to Maine's employment security law:

1. It repeals outdated provisions;
2. It provides that nominal fees or stipends paid to a volunteer are excluded from the definition of wages and specifies that a volunteer does not meet the definition of "employee";