

# 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.

# 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";

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

3. It 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. It reflects changes to a program name in the federal law;
5. It 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. It 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. It 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. It 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. It specifies that an employer's experience rating may not be charged when an employee has requested an unpaid, voluntary reduction in hours.

**LD 1542     An Act To Support Lead Abatement in Older Residential Properties**

**CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
GOLDEN J LIBBY N				

This bill establishes a residential housing lead abatement program, administered by the Maine State Housing Authority. The purpose of the program is to provide grants to municipalities that have administered a lead abatement program and to housing units and housing projects that meet specified eligibility standards. Priority for lead abatement projects funded by the program is given to residences occupied by children who have tested positive for lead poisoning. The program is funded by a real estate transfer tax surtax of \$0.30 per \$500 of the value of property transferred by deed or property in which a controlling interest is transferred.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1553     An Act To Protect the Rights of Public Employees To Determine Their Collective Bargaining Agent**

**Accepted Majority (ONTP) Report**

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

This bill makes the following changes to the municipal public employees labor relations laws, the state employees labor relations laws and the judicial employees labor relations laws.

1. It adds a new requirement for recertification elections, which must start within three years of the effective date of the provision and must be held every even-numbered year after that, to ensure that a majority of the employees in the collective bargaining unit support their current collective bargaining agent. If the bargaining agent does not