

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**MEMBERS:**

SEN. AMY F. VOLK, CHAIR  
SEN. BRIAN D. LANGLEY  
SEN. SHEENA LEE BELLOWS

REP. RYAN M. FECTEAU, CHAIR  
REP. ANNE-MARIE MASTRACCIO  
REP. DILLON F. BATES  
REP. JAMES R. HANDY  
REP. DONNA R. DOORE \*  
REP. MICHELLE DUNPHY\*  
REP. MICHAEL A. SYLVESTER  
REP. SUSAN M. W. AUSTIN  
REP. LAWRENCE E. LOCKMAN  
REP. JOEL R. STETKIS  
REP. KAREN R. VACHON

**STAFF:**

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  
FIRST REGULAR SESSION



## 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**

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

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

receive votes from a majority of the employees in the bargaining unit, the bargaining agent is decertified and will no longer represent the bargaining unit.

2. It permits employees who have decertified a bargaining agent pursuant to the new recertification election process to certify a new bargaining agent at any time, regardless of whether a collective bargaining agreement is still in effect.

3. It permits an employee to cast a ballot for a period of seven days from the commencement of a collective bargaining election.

4. It adds a requirement that the Maine Labor Relations Board adopt rules to preserve the integrity of collective bargaining recertification elections and the secrecy of the ballot, including a determination of acceptable methods for submitting a ballot. These rules may also establish a fee schedule applicable to an organization under consideration for bargaining agent in a recertification election for the purpose of funding such elections.

### **Committee Amendment "A" (S-233)**

This amendment is the minority report of the committee. It provides funds for the rule-making process required by the bill.

This amendment was not adopted.

### **LD 1564 An Act To Conform State Law to Federal Law While Promoting Safe Working Environments for Minors**

**PUBLIC 286  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B FREDETTE K	ONTP OTP-AM	S-251 S-279 VOLK A

This bill amends laws relating to minors 14 and 15 years of age to allow them to work in bowling alleys and movie theaters and to clarify their employment in bakeries, hotels and rooming houses. It updates a provision regarding work permits for minors by deleting language dealing with triplicate permits and a master permit system and allowing for use of electronic permit submission and approval. It moves the occupational restrictions for minors 16 and 17 years of age to the section with occupational restrictions for minors 14 and 15 years of age. It also clarifies that graduates of vocational programs who are under 18 years of age can work in the occupations for which they were trained.

### **Committee Amendment "A" (S-251)**

This amendment is the minority report of the committee. It makes the following changes to the bill.

1. It adds establishments that cultivate, produce or sell marijuana or products in which marijuana is an ingredient and recreational marijuana social clubs to the list of employment and occupations not suitable for minors that the Department of Labor must prohibit by rule.

2. It retains the provision in current law that prohibits employment of a minor 14 years of age or older and under 16 years of age when the distance between the workplace and the home of the minor, or any other factor, necessitates the minor's remaining away from home overnight.

3. It replaces the term "a minor 14 years of age or older and under 16" with the phrase "a minor under 16" for greater consistency with the age category for which the occupational restrictions apply in current law.

4. It adds "recreational areas" to the areas of a hotel or rooming house approved for employment of minors 14 and