

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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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

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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.

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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

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15 years of age, and it adds "housekeeping" to the list of tasks explicitly prohibited for minors under 16 years of age.

5. It strikes a provision in the bill that allows an exception to the work hour restrictions for minors 16 and 17 years of age when the minor is employed in a business solely owned by the minor's parents.
6. It specifies that the exception to occupational restrictions applicable to a minor who has graduated from a vocational cooperative education program applies to a vocational, career and technical or cooperative education program approved by the Department of Education.
7. It strikes a section of the bill that replaces the term "a minor under 16 years of age" with "a minor 14 years of age or older and under 16 years of age" for greater consistency with the age category for which the work hour restrictions apply in current law.
8. It adds violations of the laws regarding employment of minors under 14 years of age and hazardous employment of minors under 18 years of age to the new provision in the bill providing the authority for the Department of Labor, Bureau of Labor Standards to revoke a work permit.
9. It restores a provision in current law stricken in the bill that requires approval by the Attorney General of the form used by the Department of Labor for work permits for minors, but amends it to refer to the Office of the Attorney General.

Senate Amendment "A" (S-279)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2017, chapter 286 makes a number of changes to the laws governing the employment of minors, including the following.

1. It prohibits all employment for minors under 14, except for agricultural employment in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances. It maintains an exception for employment in a business solely owned by the minor's parents, as long as it is not hazardous employment prohibited under Department of Labor rules or federal law.
2. 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 rulemaking.
3. It changes the 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.
4. 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.
5. It clarifies that graduates of vocational, career and technical or cooperative education programs approved by the Department of Education who are under 18 years of age can work in the occupations for which they were trained.
6. It updates a provision regarding work permits for minors by deleting language dealing with triplicate permits and a master permit system, allowing for use of electronic permit submission and approval and changing the approval of the permit form from approval by the Attorney General to approval by the Office of the Attorney General.
7. It grants the Department of Labor, Bureau of Labor Standards authority to revoke a work permit for violations of

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the laws regarding employment of minors.

Public Law 2017, chapter 286 was enacted as an emergency measure effective July 9, 2017.

LD 1566 An Act To Enact the Maine Fair Chance Employment Act

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VOLK A		

This bill enacts the Maine Fair Chance Employment Act and adds restrictions to the use of criminal history information in the context of employment decisions by private employers and the State and its political subdivisions and of licensing decisions by licensing agencies.

It prohibits an employer from asking an applicant for employment to disclose information concerning the applicant's criminal history, or considering such information, until after the applicant has received a conditional offer of employment. It restricts the way a private employer, or the State and its political subdivisions, may use criminal history information in the course of making employment decisions and adds similar restrictions to the existing restrictions applicable to licensing agencies' consideration of criminal history information. It also makes certain criminal history information in the possession of the State and its political subdivisions confidential and makes all criminal background check information obtained by the State in connection with an employment decision confidential.

The Maine Human Rights Commission is charged with enforcement of the Maine Fair Chance Employment Act and may seek civil penalties against a private employer for a violation of \$1,000 for the first violation and \$2,000 for each subsequent violation.

The bill also creates a private right of action that may be brought by an affected individual against a private employer that has violated the Maine Fair Chance Employment Act and, upon prevailing, the affected individual is entitled to such legal or equitable relief as the court may determine appropriate and reasonable attorney's fees and costs.

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

LD 1575 An Act To Update the Statutes Governing the Bureau of Labor Standards To Promote Clarity for Workers and Employers

PUBLIC 219

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A STETKIS J	OTP-AM	S-252

This bill makes the following changes to the labor laws.

1. It removes a reference to the Director of Labor Standards as the "state factory inspector" to recognize that the workplaces governed by these statutes are not restricted to factories.
2. It requires posters regarding video display terminal safety and minimum wage and overtime requirements to be posted in the same location as other posters required by the Department of Labor, Bureau of Labor Standards and establishes a penalty structure for violations of the posting requirements within the section of law requiring posting.