

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

The 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 in the past five years for use on 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.

Committee Amendment "A" (H-628)

This amendment removes the restrictions in the bill regarding which municipalities are eligible to receive grants from the Lead Abatement Fund and decreases the portion of the abatement costs that the owner of housing that receives lead abatement assistance must pay. The amendment also changes the funding for the lead abatement program, eliminating the provision of the bill that increases the real estate transfer tax and instead making a one-time allocation of \$4,000,000 from the Fund for a Healthy Maine.

The content of this bill, as amended, was incorporated by the Appropriations and Financial Affairs Committee in its amendment to LD 925, which was enacted as Public Law 2017, chapter 460.

LD 1566

An Act To Enact the Maine Fair Chance Employment Act

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VOLK A	OTP-AM ONTP	H-705 H-750 TALBOT ROSS R

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out of committee and then carried over on the Special Appropriations Table from the Second Regular Session to the Second Special Session by joint order S.P. 748.

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.

Committee Amendment "A" (H-705)

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

This amendment is the majority report of the committee. It strikes and replaces the bill with requirements regarding the inquiry into and consideration of the criminal history information of job applicants by public employers, including the following.

1. It prohibits a public employer from requesting criminal history information on an initial employment application form, except when a federal or state law prohibits persons with certain criminal histories from holding the position.
2. It allows a public employer to request criminal history information during an interview or after the prospective employee has been determined otherwise qualified for the position.
3. It prohibits a public employer from considering certain categories of criminal history information, unless specifically required by federal or state law.
4. It requires a public employer who denies an employment applicant a position solely or in part based on the applicant's criminal history information to provide the applicant written information on the basis for the denial and any available process for contesting the denial.
5. It requires a public employer to maintain statistical information regarding the public employer's use of criminal background checks, including the number of denials of applicants based on those criminal background checks. These records are public records subject to Maine's Freedom of Access Act.
6. It designates as confidential any information pertaining to an employment applicant's criminal history information that was obtained by a public employer in conjunction with the hiring process and prohibits disclosure of such information by the public employer except as otherwise specifically required by law.

The amendment also includes an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-750)

This amendment applies the requirements in the committee amendment only to state government employers. It removes school administrative units, municipalities, counties and other political subdivisions of the State from the requirements in the committee amendment. The amendment also reduces the appropriation in the committee amendment to reflect a revised cost estimate.

LD 1587 **Resolve, To Study the Feasibility of the Establishment of Paid Family Leave in the State**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM ONTP	H-699

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill creates a paid family medical leave program. The qualifying conditions for the program are patterned after the unpaid family medical leave program in current law but are extended to allow leave for the serious health condition of a half-sibling, step-sibling, parent-in-law, brother-in-law, sister-in-law and for the death or serious health condition of such relative while on active duty with the military.

The program requires employers that employ 15 or more employees to deduct contributions from employee paychecks, which must be no more than 0.5% of the employee's wages, and for the employers to submit contributions to the Department of Labor, Bureau of Unemployment Compensation, which is charged with administering the program. Smaller employers may opt in to the program, in one year intervals (or up to three year