

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

LD 1770

An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM OTP-AM	S-473 S-485 VOLK A S-532 VOLK A

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

This bill changes the laws governing how benefits paid to an eligible individual under the Employment Security Law are charged against the experience rating record of the individual's previous employers. It changes the employer chargeability from "a ratio inversely proportional" to the claimant's most recent employer, as enacted by the biennial budget, to an "inverse chronological order" standard, and delays the effective date of this change to January 1, 2020. Until January 1, 2020, the experience rating record of the most recent subject employer may not be charged with benefits paid to an eligible individual whose work record with that employer totaled five consecutive weeks or less, as was the law in effect prior to the biennial budget.

The bill also provides that certain decisions made by the Commissioner of Labor are subject to review by the Department of Labor, Division of Administrative Hearings, rather than by the Maine Unemployment Insurance Commission.

Committee Amendment "A" (S-473)

This amendment which is the majority report of the committee, adds several provisions to the bill to make the following changes to the Employment Security Law.

1. It requires the Department of Labor to fill vacancies for six different position types for which funding is provided.
2. It requires the Department of Labor to provide options to an Internet-based system for the filing of claims for unemployment benefits, including the filing of work search documentation, and for obtaining information. The options must include filing by telephone, using a telephone system that allows a claimant to leave a message or request a return telephone call. The individual making a claim for unemployment benefits may choose which option to use.
3. It requires the Department of Labor to maintain a claimant service response telephone system that allows a claimant to leave a message or request a return telephone call in order to enable the department to promptly receive and promptly respond to claimant inquiries. If a claimant timely contacts the claimant service response telephone system, the department must consider that contact when determining if the claimant had good cause for not complying with the requirements to file a timely claim for benefits, register for work and actively search for work, file work search documentation or participate in reemployment services and eligibility assessment.
4. It clarifies that only the most recent employer from which the claimant's employment separation occurred may contest whether a disqualification may be applied to the claimant for reasons related to the separation.

The amendment also directs the Department of Labor to provide until January 1, 2019 an opportunity for all unemployment insurance claimants denied benefits for failure to file a timely claim for benefits or work search documentation in any week during the period from December 1, 2017 until July 1, 2018 to apply for those benefits and provides that the Department of Labor must grant good cause for failure to file a timely claim for benefits or

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

work search documentation for those weeks if the claimant asserts that the claimant's inability to use the department's Internet-based filing system was the basis for the claimant's failure to file.

In 2009, Maine received a \$28,200,000 distribution to the Unemployment Trust Fund under the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5, 123 Stat. 115 (2009), which may be used to maintain the State's unemployment and public employment system or to pay regular unemployment benefits. There is \$27,503,000 remaining from this distribution. The amendment authorizes the use of \$895,156 of those funds to meet the allocation required in the amendment. The funds will be used to maintain and operate the State's unemployment and employment programs, including paying the administrative costs required to administer the unemployment insurance program and delivering employment assistance services through the Department of Labor's career center system. The intent of the authorization of funds is to provide the Department of Labor with funding necessary to implement the provisions of this amendment.

Committee Amendment "B" (S-474)

This amendment is the minority report of the committee. It adds to the bill a requirement that the Department of Labor provide an alternative method to an Internet-based system for filing of unemployment claims and work search documentation and obtaining information. The alternative must include a method such as a telephone system or in person.

Senate Amendment "A" To Committee Amendment "A" (S-485)

This amendment removes the requirement in Committee Amendment "A" that the telephone system maintained by the Department of Labor allow a claimant to leave a message or request a return telephone call. It also removes a provision in Committee Amendment "A" that authorizes an allocation of funds in the Unemployment Trust Fund.

Senate Amendment "B" To Committee Amendment "A" (S-532)

This amendment removes the emergency preamble and emergency clause. The amendment also incorporates the provisions of Senate Amendment "A" to Committee Amendment "A."

LD 1772 **Resolve, Directing the Attorney General To Update the Portions of the Consumer Law Guide Pertaining to Implied Warranties**

**RESOLVE 42
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G ESPLING E	OTP-AM ONTP	S-374

This bill is a concept draft pursuant to Joint Rule 208 that proposes to establish a study commission to examine the State's implied warranty laws and the arbitration process for those laws.

Committee Amendment "A" (S-374)

This amendment is the majority report of the committee. The amendment replaces the bill, which is a concept draft, with a resolve directing the Attorney General to review and update the Attorney General's Consumer Law Guide as it pertains to implied warranties on consumer goods other than motor vehicles by July 1, 2018.

Enacted Law Summary

Resolve 2017, chapter 42 directs the Attorney General to review and update the Attorney General's Consumer Law Guide as it pertains to implied warranties on consumer goods other than motor vehicles by July 1, 2018. At a minimum, the update must clarify the scope of a consumer's responsibility to follow the operation and maintenance guidelines in the user manual of a consumer good and the effect of a failure to follow those guidelines on the availability of relief under the State's implied warranty laws.