

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON
LABOR AND HOUSING**

August 2019

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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 129th 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 129th Legislature is Thursday, September 19, 2019. 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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mandatory items of collective bargaining and may not be considered matters of educational policy exempted from mandatory collective bargaining.

LD 243 An Act To Create an Hourly Rate Compensation System for Loggers and Truckers ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| JACKSON T MARTIN J | ONTP | |

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create an hourly rate compensation system for loggers and truckers.

LD 278 An Act Regarding Pay Equality PUBLIC 35

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| BREEN C MOONEN M | OTP-AM ONTP | S-28 |

This bill amends the Maine Human Rights Act to provide that evidence of discrimination with respect to compensation includes an employer seeking information about a prospective employee's prior wage history before an offer of employment, including all compensation, to the prospective employee has been made. It provides that this discrimination is also evidenced by an employer requiring that a prospective employee's prior compensation history meet certain criteria. The bill broadens a provision in the current equal pay law to prohibit an employer from preventing employees from discussing or disclosing other employees' wages and makes the practice a violation of the Maine Human Rights Act as well.

Committee Amendment "A" (S-28)

This amendment, which is the majority report of the committee, strikes and replaces the bill. The amendment prohibits an employer from inquiring about a prospective employee's compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. It creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes, for example, when such information is related to economic development programs that specifically create employment opportunities for persons with low incomes. An employer that violates this provision is subject to a fine of not less than \$100 and not more than \$500 per violation and is also subject to a civil action that may be brought by or on behalf of an affected employee or applicant by the Department of Labor or the affected employee or applicant.

This amendment also amends the Maine Human Rights Act to provide that evidence of unlawful employment discrimination includes an employer seeking information about a prospective employee's compensation history before an offer of employment, including all terms of compensation, to the applicant has been made. It also creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

Enacted Law Summary

Public Law 2019, chapter 35 prohibits an employer from inquiring about a prospective employee's compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. It creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes, for

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example, when such information is related to economic development programs that specifically create employment opportunities for persons with low incomes. An employer that violates this provision is subject to a fine of not less than \$100 and not more than \$500 per violation and is also subject to a civil action that may be brought by or on behalf of an affected employee or applicant by the Department of Labor or the affected employee or applicant.

This law also amends the Maine Human Rights Act to provide that evidence of unlawful employment discrimination includes an employer seeking information about a prospective employee's compensation history before an offer of employment, including all terms of compensation, to the applicant has been made. It also creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

LD 298 An Act To Establish a Conditional Presumption of Compensability for ONTP
Corrections Employees in Cases of Impairment from Hypertension or
Heart Disease

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HANDY J | ONTP | |

This bill amends the workers' compensation laws by adding a presumption that heart disease or hypertension suffered by a state or county corrections employee was caused in the course of that employment, as long as the employee had successfully passed a physical examination upon entry into or during the course of that employment that failed to reveal any evidence of that condition.

LD 300 An Act To Provide School Personnel Paid Hourly a Wage Pay Option PUBLIC 193

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HANDY J | OTP-AM ONTP | H-220 S-131 BELLOWS S |

This bill requires a school administrative unit to provide school personnel who are paid on an hourly basis with the option of receiving pay over a period of 12 months or shorter. The bill also provides that if a school day is cancelled or shortened due to circumstances beyond the control of school officials, a school administrative unit is required to pay school personnel who are paid on an hourly basis for the hours not worked because of the cancellation or shortened school day, up to 40 hours per school year.

Committee Amendment "A" (H-220)

This amendment, which is the majority report of the committee, strikes the portion of the bill that requires a school administrative unit to pay school personnel who are paid on an hourly basis for the hours not worked when a school day is canceled or shortened due to circumstances beyond the control of school officials. The amendment also adds a mandate preamble.

Senate Amendment "A" To Committee Amendment "A" (S-131)

This amendment removes the mandate preamble.

Enacted Law Summary

Public Law 2019, chapter 193 requires a school administrative unit to provide school personnel who are paid on an hourly basis with the option of receiving pay over a period of 12 months or shorter.