

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> 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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# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
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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 129<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 129<sup>th</sup> 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.

*Joint Standing Committee on Labor and Housing*

**LD 317 An Act To Amend the Laws Governing Appointees to the Maine Labor Relations Board**

**PUBLIC 184**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J	OTP-AM ONTP	H-219

This bill amends the qualifications for certain members and alternates appointed to the Maine Labor Relations Board by the Governor. It requires the member and alternates representing employees to not have worked in a management capacity or represented management interests in any proceedings at any time during the prior 10 years. It also requires the member and alternates representing the public to not have worked in a management capacity or represented management interests in any proceedings or have worked for a labor organization or served in a leadership role in a labor organization at any time during the prior 10 years. These new qualifications apply to new appointments or reappointments to the board.

**Committee Amendment "A" (H-219)**

This amendment, which is the majority report of the committee, replaces the term "management interests" with the term "employer interests" and changes the disqualification window from 10 years to six years.

**Enacted Law Summary**

Public Law 2019, chapter 184 amends the qualifications for certain members and alternates appointed to the Maine Labor Relations Board by the Governor. It requires the member and alternates representing employees to not have worked in a management capacity or represented employer interests in any proceedings at any time during the prior six years. It also requires the member and alternates representing the public to not have worked in a management capacity or represented employer interests in any proceedings or have worked for a labor organization or served in a leadership role in a labor organization at any time during the prior six years. These new qualifications apply to new appointments or reappointments to the board.

**LD 369 An Act Authorizing Earned Employee Leave**

**PUBLIC 156**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R FECTEAU R	OTP-AM OTP-AM ONTP	S-79

This bill creates a right to earned paid sick leave for employees who are employed by an employer that employs more than five employees. The bill also creates a right to earned unpaid sick leave for employees of an employer that employs five or fewer employees. This bill takes effect January 1, 2021.

**Committee Amendment "A" (S-79)**

This amendment, which is the majority report of the committee, replaces the title and the bill. This amendment does the following.

1. It requires an employer, except in a seasonal industry, that employs more than 10 employees for more than 120 days in any calendar year to permit each employee to earn paid leave based on the employee's base pay.
2. It specifies that an employee is entitled to earn one hour of paid leave from a single employer for every 40 hours

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worked, up to 40 hours in one year of employment, with accrual of leave beginning at the start of employment.

3. It requires an employee to work for 120 days before an employer is required to permit use of accrued earned paid leave.

4. It requires an employer to pay an employee taking earned leave at least the same base rate of pay that employee received immediately prior to taking earned leave and provide the same benefits as those provided under established policies of the employer pertaining to other types of paid leave.

5. It requires an employee, absent an emergency, illness or other sudden necessity for taking earned leave, to give reasonable notice to the employee's supervisor of the employee's intent to use leave.

6. It specifies that an employee taking earned leave maintains any employee benefits accrued before the date on which the leave commenced and the leave may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees.

7. It provides the Department of Labor, Bureau of Labor Standards the exclusive authority to enforce the law and requires the Department of Labor to adopt routine technical rules to implement and enforce the law.

8. It allows for the imposition of penalties currently established in the Maine Revised Statutes, Title 26, section 53.

9. It preempts the authority of a municipality or other political subdivision to enact any ordinance or other rule purporting to have the force of law under its home rule or other authority regulating earned paid leave.

10. It requires the Department of Labor to adopt routine technical rules to implement and enforce provisions regarding earned paid leave.

11. It specifies that earned paid leave does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the collective bargaining agreement.

12. It requires the Department of Labor, beginning January 1, 2022 and annually thereafter, to report progress to the joint standing committee of the Legislature having jurisdiction over labor matters.

### **Committee Amendment "B" (S-80)**

This amendment, which is one of two minority reports of the committee, replaces the title and the bill. This amendment does the following.

1. It requires an employer, except in a seasonal industry, that employs more than 10 employees for more than 120 days in any calendar year to permit each employee to earn paid leave based on the employee's base pay.

2. It specifies that an employee is entitled to earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment, with accrual of leave beginning at the start of employment.

3. It requires an employee to work for 120 days before an employer is required to permit use of accrued earned paid leave.

4. It requires an employer to pay an employee taking earned leave at least the same base rate of pay that employee received immediately prior to taking earned leave and provide the same benefits as those provided under established policies of the employer pertaining to other types of paid leave.

5. It requires an employee, absent an emergency, illness or other sudden necessity for taking earned leave, to give

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reasonable notice to the employee's supervisor of the employee's intent to use leave.

6. It specifies that an employee taking earned leave maintains any employee benefits accrued before the date on which the leave commenced and the leave may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees.
7. It provides the Department of Labor, Bureau of Labor Standards the exclusive authority to enforce the law and requires the Department of Labor to adopt routine technical rules to implement and enforce the law.
8. It allows for the imposition of penalties currently established in the Maine Revised Statutes, Title 26, section 53.
9. It requires the Department of Labor to adopt routine technical rules to implement and enforce provisions regarding earned paid leave.
10. It specifies that earned paid leave does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the collective bargaining agreement.
11. It requires the Department of Labor, beginning January 1, 2022 and annually thereafter, to report progress to the joint standing committee of the Legislature having jurisdiction over labor matters.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2019, chapter 156 does the following.

1. It requires an employer, except in a seasonal industry, that employs more than 10 employees for more than 120 days in any calendar year to permit each employee to earn paid leave based on the employee's base pay.
2. It specifies that an employee is entitled to earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment, with accrual of leave beginning at the start of employment.
3. It requires an employee to work for 120 days before an employer is required to permit use of accrued earned paid leave.
4. It requires an employer to pay an employee taking earned leave at least the same base rate of pay that employee received immediately prior to taking earned leave and provide the same benefits as those provided under established policies of the employer pertaining to other types of paid leave.
5. It requires an employee, absent an emergency, illness or other sudden necessity for taking earned leave, to give reasonable notice to the employee's supervisor of the employee's intent to use leave.
6. It specifies that an employee taking earned leave maintains any employee benefits accrued before the date on which the leave commenced and the leave may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees.
7. It provides the Department of Labor, Bureau of Labor Standards the exclusive authority to enforce the law and requires the Department of Labor to adopt routine technical rules to implement and enforce the law.
8. It allows for the imposition of penalties currently established in the Maine Revised Statutes, Title 26, section 53.
9. It preempts the authority of a municipality or other political subdivision to enact any ordinance or other rule

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purporting to have the force of law under its home rule or other authority regulating earned paid leave.

10. It requires the Department of Labor to adopt routine technical rules to implement and enforce provisions regarding earned paid leave.

11. It specifies that earned paid leave does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the collective bargaining agreement.

12. It requires the Department of Labor, beginning January 1, 2022 and annually thereafter, to report progress to the joint standing committee of the Legislature having jurisdiction over labor matters.

**LD 402      An Act To Restore Overtime Protections for Maine Workers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R BELLOWS S		

This bill annually raises the minimum salary that an employee who works in an executive, administrative or professional capacity must earn in order for that employee to be exempt from the laws governing the minimum wage and overtime pay until it is \$55,224 on January 1, 2022. The bill provides for an annual adjustment, beginning January 1, 2023, based on the percentage annual increase in certain earnings as published by the United States Department of Labor, Bureau of Labor Statistics.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 410      An Act To Eliminate the Subminimum Wage for Workers with Disabilities and Agricultural and Tipped Workers**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS H		

This bill eliminates current exemptions from the minimum wage law that allow the payment of wages at less than the minimum wage rate to individuals employed in certain agricultural jobs, to individuals employed in service jobs in which tipping is customary and to certain individuals with disabilities, effective October 1, 2019. This bill was not referred to committee.

**LD 415      An Act To Enhance the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A LIBBY N	ONTP	

This bill makes changes to the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program.