

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.

Joint Standing Committee on Labor and Housing

LD 622 An Act To Improve Public Sector Labor Relations

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to improve, encourage and support public sector collective bargaining and sound labor relations in the public sector by more clearly defining the rights and obligations of public employers and labor organizations that represent public employees under state public employment labor relations laws concerning information, representation, collective bargaining and other matters.

LD 670 An Act To Increase the Minimum Wage for Large Employers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B CHENETTE J	ONTP	

This bill increases the minimum wage of the employees of employers employing 50 or more full-time employees to \$13 on January 1, 2021, to \$14 on January 1, 2022, and to \$15 on January 1, 2023.

LD 733 An Act To Promote Keeping Workers in Maine

PUBLIC 513

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNECK J BELLOWS S	OTP-AM ONTP	H-280 S-208 DIAMOND B S-330 BREEN C

This bill prohibits an employer from requiring or entering into a so-called noncompete agreement with an employee earning wages that are at or below 300 percent of the federal poverty level. A noncompete agreement is defined as a contract or contract provision that prohibits an employee or prospective employee from working in the same or a similar profession or in a specified geographic area for a certain period of time following termination of employment. If an employer requires a noncompete agreement for a position of employment, the employer must disclose that requirement in any advertisement for that position, and an employer must provide an employee or prospective employee with a copy of a noncompete agreement at least three business days before requiring that employee or prospective employee to sign the agreement. An employer that violates this law commits a civil violation for which a fine of not less than \$5,000 may be adjudged. The Department of Labor is responsible for enforcement of the law. The terms of a noncompete agreement, except for a noncompete agreement with a physician, are not in effect until after an employee has been employed with the employer for at least one year or a period of 6 months from the date the agreement was signed, whichever is later.

The bill also prohibits a restrictive employment agreement between two or more employers that prohibits or restricts one employer from soliciting or hiring another employer's employees or former employees.

Committee Amendment "A" (H-280)

This amendment, which is the majority report of the committee, strikes and replaces the bill. It moves the language in the bill to another location in the Maine Revised Statutes, Title 26 and restricts the enforceability of noncompete

Joint Standing Committee on Labor and Housing

agreements to the extent that they are reasonable and are no broader than necessary to protect a legitimate business interest of the employer, such as trade secrets, confidential information or goodwill. It also adds a presumption that a noncompete agreement is necessary if the legitimate business interest cannot be adequately protected through an alternative restrictive covenant. As in the bill, it also provides for ongoing appropriations to provide for enforcement of the provisions.

Senate Amendment "A" To Committee Amendment "A" (S-208)

This amendment prohibits an employer from requiring or permitting an employee earning wages at or below 400 percent of the federal poverty level, instead of at or below 300 percent of the federal poverty level as in the committee amendment, to enter into a noncompete agreement with the employer.

Senate Amendment "B" To Committee Amendment "A" (S-330)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 513 restricts the enforceability of noncompete agreements to the extent that they are reasonable and are no broader than necessary to protect a legitimate business interest of the employer, such as trade secrets, confidential information or goodwill. It also adds a presumption that a noncompete agreement is necessary if the legitimate business interest cannot be adequately protected through an alternative restrictive covenant.

LD 734 Resolve, To Expedite the Processing of Applications for Certification **CARRIED OVER
under the Federal Work Opportunity Tax Credit**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R LUCHINI L	OTP-AM ONTP	H-51

This resolve directs the Department of Labor to establish a new permanent position in the Bureau of Employment Services to expedite the processing of employer applications for certification required for the federal work opportunity tax credit under Section 51 of the United States Internal Revenue Code of 1986. The resolve also requires the Department of Labor to submit a report to the Joint Standing Committee on Labor and Housing with the most recent information available concerning applications submitted by employers, including information on the extent of any backlog in application processing, by February 1, 2020.

Committee Amendment "A" (H-51)

This amendment, which is the majority report of the committee, incorporates a fiscal note.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 739 An Act To Help Small Businesses by Establishing an Alternate **Accepted Majority
Minimum Wage **(ONTP) Report****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUDNICKI S CYRWAY S	ONTP OTP-AM	