

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. SHENNA BELLOWS, CHAIR
SEN. MARK W. LAWRENCE
SEN. STACEY K. GUERIN

REP. MICHAEL A. SYLVESTER, CHAIR
REP. ANN E. PEOPLES
REP. DEANE RYKERSON
REP. DONNA R. DOORE*
REP. ANNE M. CARNEY
REP. SCOTT W. CUDDY
REP. RICHARD T. BRADSTREET
REP. SUSAN M.W. AUSTIN
REP. LAWRENCE E. LOCKMAN
REP. JOSHUA MORRIS
REP. MICHELLE DUNPHY*

STAFF:

DEIRDRE SCHNEIDER, LEGISLATIVE ANALYST
COLLEEN MCCARTHY REID, SR. LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee member for a portion of the session

STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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 857 An Act To Increase Accountability for Wage Violations

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B BELLOWS S	OTP-AM ONTP	H-78

This bill amends the law regarding employment practices by increasing the fine for a violation of certain state wage and benefits laws to \$500 for the first violation and \$2,500 for each subsequent violation and by providing a private right of action for a person aggrieved of such a violation. It amends the law regarding employees' remedies to provide that in a judgment for an employee an additional amount of three times the unpaid wages must be awarded the employee. It also provides ongoing funds for 10 labor and safety inspector positions within the Department of Labor, Bureau of Labor Standards, wage and hour division beginning October 1, 2019.

Committee Amendment "A" (H-78)

This amendment, which is the majority report of the committee, changes the fine structure proposed in the bill from a \$2,500 fine for each subsequent violation of the various wage and hour laws to a fine of at least \$500 but not more than \$2,500 for each subsequent violation. It also strikes new language added by the bill regarding a civil action remedy for violations of various wage and hour laws. It reduces the liquidated damages available in a civil action to collect unpaid minimum wages from three times the amount of unpaid wages, as proposed by the bill, to twice the amount of unpaid wages, and it reduces the Labor and Safety Inspector positions added to the bill from 10 to four.

This bill 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 883 An Act To Establish the Opt-in Maine Paid Family Leave Insurance Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M HERBIG E	ONTP	

This bill creates the Maine Paid Family Leave Insurance Program to provide wage-replacement benefits to persons who qualify for family medical leave. The program is funded by employee contributions and provides 2/3 of a person's average weekly wage or 100 percent of the state average weekly wage, whichever is lower, for up to six weeks in any 12-month period. Employee contributions are collected on a sliding scale based on wages.

While LD 883 was voted "Ought Not to Pass," a similar bill, LD 1410, An Act to Create Paid Family and Medical Leave Benefits, was carried over to the next regular or special session of the 129th Legislature.

LD 886 An Act To Protect Search and Rescue Volunteers Certified by the Maine Association for Search and Rescue from Adverse Employment Actions

PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D BELLOWS S	OTP-AM ONTP	H-447

Joint Standing Committee on Labor and Housing

This bill provides the same protections to volunteer search and rescuers for absences from work in responding to search and rescue operations requested by a law enforcement agency as volunteer firefighters receive for absences from work in responding to emergencies. Under this bill, a volunteer search and rescuer is a person who has been certified in search and rescue practices and procedures by a nonprofit search and rescue training organization recognized by the Department of Inland Fisheries and Wildlife, Bureau of Warden Service.

Committee Amendment "A" (H-447)

This amendment makes the bill consistent with the Maine Revised Statutes, Title 26, section 809, concerning absence for emergency response. It adds a definition for "recognized organization" and changes terminology from "volunteer search and rescue" to "search and rescue volunteer."

Enacted Law Summary

Public Law 2019, chapter 329 provides the same protections to search and rescue volunteers for absences from work in responding to search and rescue operations requested by a law enforcement agency as found in Maine Revised Statutes, Title 26, section 809, for emergency response.

LD 888 An Act To Provide Workplace Support to Individuals with Hearing Loss ONTP

Sponsor(s)

WARREN C

Committee Report

ONTP

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to add hearing loss to the list of qualifying conditions for which the Department of Labor's vocational rehabilitation program provides services.

LD 900 An Act To Expand the Rights of Public Employees under the Maine Labor Laws CARRIED OVER

Sponsor(s)

SYLVESTER M
MIRAMANT D

Committee Report

Amendments Adopted

This bill allows public employees, including municipal and county employees, state and legislative employees, university, academy and community college employees and judicial employees, but not including employees whose duties include protecting public safety, to strike pursuant to the official procedures of the employees' employee organization or under a process in which an affirmative vote to strike is held. The bill requires that notice be given to the public employer stating the dates upon which the strike will begin and end. The bill also provides that the employee organization or public employer may call for emergency bargaining within 3 days prior to the intended start of the strike.

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