

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 1008 An Act To Include State Employee Stipends as Earnable Compensation ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BELLOWS S	ONTP	

This bill requires that stipends paid to a member of the Maine Public Employees Retirement System be counted as earnable compensation for purposes of calculating retirement benefits.

LD 1013 An Act To Clarify the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana PUBLIC 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S BRADSTREET D	OTP-AM	S-39 S-71 BELLOWS S

This bill clarifies that an individual whose employment is terminated because of the individual's being under the influence of marijuana while on duty or when reporting to work is disqualified from unemployment benefits, as is currently the case for alcohol and illegal drugs.

Committee Amendment "A" (S-39)

This amendment removes the provision of the bill that includes being under the influence of marijuana while on duty or when reporting to work, which is the same provision as using illegal drugs, and instead includes marijuana in the current disqualification from unemployment benefits for an individual whose employment is terminated because of intoxication while on duty or when reporting to work or engaging in unauthorized use of alcohol while on duty.

Senate Amendment "B" To Committee Amendment "A" (S-71)

This amendment excepts from the disqualification from unemployment benefits for marijuana use the use of marijuana permitted under the laws governing the medical use of marijuana.

Enacted Law Summary

Public Law 2019, chapter 125 includes marijuana in the current disqualification from unemployment benefits for an individual whose employment is terminated because of intoxication while on duty or when reporting to work or engaging in unauthorized use of alcohol while on duty. It excepts from the disqualification from unemployment benefits for marijuana use the use of marijuana permitted under the laws governing the medical use of marijuana.

LD 1017 Resolve, To Direct the Department of Labor To Develop a Framework for Encouraging Employers To Identify Safer Alternatives to Hazardous Chemicals RESOLVE 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM ONTP	S-114

Joint Standing Committee on Labor and Housing

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create statutory and regulatory requirements that are designed to prevent harm to employees by substituting for or eliminating highly toxic and hazardous chemicals in the workplace. The bill would:

1. Apply to industries, including, but not limited to, manufacturing, retail and service; automotive; auto body repair; shipbuilding; paper manufacturing; manufacturing of apparel or apparel components; medical equipment; construction; personal care product or feminine product manufacturing; coatings; textiles; lumber; plastics; technology services; and cleaning and janitorial services. The bill would not apply to agricultural employers in the State;
2. Define "highly toxic and hazardous chemical" as a chemical that, based on credible scientific evidence, has a significant potential for harm to human health;
3. Define "priority highly toxic and hazardous chemical" to include a chemical for which there is credible scientific evidence that the chemical is a carcinogen, a mutagen, a reproductive toxin, a developmental toxin, an endocrine disruptor or a neurotoxin;
4. Define "safer alternative" as an alternative that, when compared to a highly toxic and hazardous chemical that it could replace, would reduce the potential for harm to human health or that has not been shown to pose the same or greater potential harm to human health as the highly toxic and hazardous chemical;
5. Require employers in the State to identify and evaluate highly toxic and hazardous chemicals and, if feasible, eliminate those highly toxic and hazardous chemicals or substitute safer alternatives. Specifically, it would require employers to:
 - A. Identify and evaluate highly toxic and hazardous chemicals and eliminate the highly toxic and hazardous chemicals or substitute safer alternatives if feasible;
 - B. Implement a plan for the elimination and substitution of highly toxic and hazardous chemicals in the workplace;
 - C. Consult publicly accessible website lists and online databases that identify highly toxic and hazardous chemicals;
 - D. Consult safety data sheets required by the federal Department of Labor, Occupational Safety and Health Administration to identify highly toxic and hazardous chemicals;
 - E. Consult chemical suppliers and manufacturers to identify highly toxic and hazardous chemicals;
 - F. Consult publicly accessible websites and databases that identify safer alternatives that may be substituted for highly toxic and hazardous chemicals;
 - G. Contact chemical suppliers and manufacturers for possible safer alternatives;
 - H. Identify steps necessary to be followed for the elimination or substitution of a highly toxic and hazardous chemical;
 - I. Decide, with justification, whether substituting a highly toxic and hazardous chemical is feasible for business operations;
 - J. In transitioning from a highly toxic and hazardous chemical to a safer alternative, use a transition team

Joint Standing Committee on Labor and Housing

composed of employees and management;

K. Together with the transition team, develop a priority ranking for all highly toxic and hazardous chemicals identified for transition to safer alternatives; and

L. Conduct an alternatives analysis of the anticipated difficulty of transitioning to a safer alternative and a financial analysis of costs;

6. Require the Commissioner of the Department of Labor to adopt rules and provide guidelines to assist employers in how to identify and evaluate highly toxic and hazardous chemicals and how to determine if safer alternatives exist. Specifically, it would require the commissioner to adopt rules:

A. To define terms, including "affected employee," "alternative chemical," "alternative chemical work plan" and "chemical";

B. To develop procedures to assist employers in implementing a program for the substitution of highly toxic and hazardous chemicals in the workplace; and

C. Governing the implementation of safer alternatives; discontinuation of safer alternatives, justification and reporting; self-audits by employers; reporting requirements; records retention requirements; access to information, including employee access and access by the State; and provision of annual employee training and informational materials; and

7. Require the Commissioner of the Department of Labor to:

A. Identify publicly accessible website lists of online databases that identify highly toxic and hazardous chemicals;

B. Make employers aware that safety data sheets required by the federal Department of Labor, Occupational Safety and Health Administration are a source for identifying highly toxic and hazardous chemicals;

C. Identify publicly accessible websites that identify safer alternatives that may be substituted for highly toxic and hazardous chemicals currently employed in industry and business operations;

D. Identify steps required for the elimination or substitution of a highly toxic and hazardous chemical, including the criteria for justification of whether eliminating or substituting for a highly toxic and hazardous chemical is feasible for employers' business operations; and

E. Enforce the provisions of the law.

Committee Amendment "A" (S-114)

This amendment replaces the bill with a resolve and replaces the title. It requires the Department of Labor to develop a framework for identifying hazardous chemicals used in the workplace and identifying safer alternatives to those chemicals in collaboration with interested parties and employers and employees in industries that are likely to utilize hazardous chemicals. The amendment requires the department to submit a report to the Joint Standing Committee on Labor and Housing by December 20, 2019, that includes a proposed framework, summarizes the process used to develop the framework and includes a list of the participants who participated in the process. It authorizes the committee to report out a bill based on the report.

Enacted Law Summary

Joint Standing Committee on Labor and Housing

Resolve 2019, chapter 47 requires the Department of Labor to develop a framework for identifying hazardous chemicals used in the workplace and identifying safer alternatives to those chemicals in collaboration with interested parties and employers and employees in industries that are likely to utilize hazardous chemicals. This law requires the department to submit a report to the Joint Standing Committee on Labor and Housing by December 20, 2019, that includes a proposed framework, summarizes the process used to develop the framework and includes a list of the participants who participated in the process. It authorizes the committee to report out a bill based on the report.

LD 1041 An Act Regarding Collective Bargaining for Public Employees under ONTP
the Municipal Public Employees Labor Relations Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B BELLOWS S	ONTP	

This bill amends provisions relating to collective bargaining by public employees covered by municipal public employees labor relations laws, including:

1. Repealing the provision that prohibits public employees from stopping or slowing work, striking or blacklisting public employers to prevent the employers from filling vacancies; and
2. Requiring both parties to collective bargaining to have an individual present who is authorized to reach a tentative agreement.

LD 1058 An Act Concerning Liability for Direct Reimbursement of Accepted Majority
Unemployment Benefits (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRADSTREET D GUERIN S	ONTP OTP-AM	

This bill specifies that a governmental entity that elects to make payments in lieu of contributions into the unemployment compensation fund is not liable to make payments with respect to an individual who voluntarily separates from employment.

Committee Amendment "A" (H-217)

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

This amendment was not adopted.

LD 1077 An Act To Ensure Fair Employment Opportunity for Maine Citizens Accepted Majority
and Legal Residents by Requiring the Use of the Federal Immigration (ONTP) Report
Verification System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVEAU J CYRWAY S	ONTP OTP	