

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

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 the Municipal Public Employees Labor Relations Laws ONTP

<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 Unemployment Benefits Accepted Majority (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 and Legal Residents by Requiring the Use of the Federal Immigration Verification System Accepted Majority (ONTP) Report

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

Joint Standing Committee on Labor and Housing

This bill requires an employer to register with and use the federal immigration verification system, currently known as the E-Verify program, to determine the work eligibility status of new employees physically performing services within the State.

LD 1095 An Act Regarding Workers' Compensation Liens

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S SYLVESTER M	ONTP	

When a worker suffers an injury or death that is eligible for workers' compensation benefits under the Maine Workers' Compensation Act of 1992 and that is sustained under circumstances that create legal liability for a third person, the injured employee may either claim workers' compensation benefits or seek damages in a civil suit against that third person to recover damages. Under current law, if the injured employee chooses to claim workers' compensation benefits from the employer, the employer has a lien on any damages subsequently recovered against that third person in the civil action for the value of workers' compensation benefits paid.

This bill limits the amount of the lien of the employer of the injured or deceased employee to only the value of damages received by or on behalf of the injured or deceased employee that are attributable to compensation for past or future medical treatment and loss of income or earning capacity.

LD 1098 An Act To Help Small Employers by Making the Minimum Wage Increase More Gradual in Nonurban Areas

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L STEWART T	ONTP OTP-AM	

This bill creates an alternative minimum hourly wage that applies to certain designated nonurban areas starting on January 1, 2020. Under this bill the minimum hourly wage rate for those areas is \$11 per hour and increases by 50¢ each January 1st until it reaches \$12 per hour on January 1, 2022. The minimum hourly wage stays the same as in current law for Cumberland County, except for the towns of Baldwin, Bridgton, Harrison and Naples.

The bill also freezes any scheduled increase in the current minimum wage or the new alternative minimum wage if there is in effect an extended benefit period for unemployment compensation benefits, as determined by the Commissioner of Labor. The scheduled increase or increases will resume once there is no longer an extended benefit period in effect as of January 1st of a given year. It also delays the cost-of-living adjustment for the current minimum wage to January 1, 2024, changes the calculation to be the average cost-of-living increase over the prior 3 years and changes the timing of the cost-of-living adjustment to be every 3 years instead of every year.

It also requires the Department of Labor to submit an annual report analyzing job creation and job loss trends in urban and nonurban areas since the initiation of minimum wage increases established by Initiated Bill 2015, chapter 2, section 1.

Committee Amendment "A" (S-40)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

This amendment was not adopted.