

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 1413 An Act To Reduce Administrative Burdens of Forest Products
Harvesters**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ARATA A	ONTP OTP	

This bill provides that, when the Workers' Compensation Board issues a certificate of independent status certifying that a contractor that harvests forest products does so in a manner that would not make the contractor an employee of a landowner, that certificate of independent status remains valid unless the manner in which the contractor harvests changes.

**LD 1451 An Act Providing Labor Unions with Reasonable Access to Current and
Newly Hired Public Sector Workers**

PUBLIC 389

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B JACKSON T	OTP-AM ONTP	H-602

This bill makes changes to the laws governing collective bargaining for municipal employees, state employees, judicial employees and employees of the University of Maine System, the Maine Maritime Academy and the Maine Community College System to provide a collective bargaining agent with greater access to employees and employee information for those employees represented by that collective bargaining agent. It also provides a collective bargaining agent with the right to use any government building or facility to conduct meetings with its members, as long as that use does not interfere with governmental operations. The government entity may charge the collective bargaining agent for any additional costs that use may incur.

Committee Amendment "A" (H-602)

This amendment, which is the majority report of the committee, does the following.

1. It changes the minimum amount of time an employer must allow for a newly hired employee to meet with a bargaining agent from 30 minutes to either 30 minutes or an amount of time agreed upon by all parties.
2. It changes from 10 days to 30 days the amount of time an employer has to provide a bargaining agent with information regarding newly hired employees.
3. It allows an employee to opt out after initial communications with a bargaining agent from any further contact or sharing of that employee's information with a bargaining agent, except for instances when that employee is being provided direct representation by the bargaining agent.
4. It prohibits a bargaining agent from selling or sharing a nonmember's information except for the purposes of that bargaining agent fulfilling its collective bargaining obligations.

Enacted Law Summary

Public Law 2019, chapter 389 changes the laws governing collective bargaining for municipal employees, state employees, judicial employees and employees of the University of Maine System, the Maine Maritime Academy and the Maine Community College System to provide a collective bargaining agent with greater access to employees and employee information for those employees represented by that collective bargaining agent. This law

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provides a collective bargaining agent with the right to use any government building or facility to conduct meetings with its members, as long as that use does not interfere with governmental operations. The government entity may charge the collective bargaining agent for any additional costs that use may incur. This law allows an employee to opt out after initial communications with a bargaining agent from any further contact or sharing of that employee's information with a bargaining agent, except for instances when that employee is being provided direct representation by the bargaining agent. Lastly, this law prohibits a bargaining agent from selling or sharing a nonmember's information except for the purposes of that bargaining agent fulfilling its collective bargaining obligations.

LD 1459 An Act To Expand Application of the Maine Agricultural Marketing and Bargaining Act of 1973 to Harvesters and Haulers of Forest Products

PUBLIC 248

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP ONTP	

Current law authorizes the membership of farmers in cooperative organizations and requires handlers of agricultural products to bargain in good faith with such organizations because agricultural products are produced by numerous individual farmers and the marketing and bargaining position of individual farmers will be adversely affected unless they are able to join together. This bill recognizes that market forces that affect the marketing and bargaining position of individual farmers similarly affect the marketing and bargaining position of individual harvesters and haulers of forest products, and it expands application of the Maine Agricultural Marketing and Bargaining Act of 1973 to include harvesters and haulers of forest products. Specifically, this bill amends the laws governing agricultural marketing and bargaining to:

1. Expand the definition of "independent agricultural contractor" to include a person who harvests or hauls forest products under contract;
2. Expand the legislative findings provision to include findings concerning independent agricultural contractors, which include harvesters and haulers of forest products; and
3. Include in the definition of "producer" a person engaged in the production of forest products.

In addition, the bill sets forth the Legislature's finding that, with respect to loggers and forest products haulers, the inequity of power in determining compensation and the lack of opportunity to join together in bargaining over compensation can result in unfair contract rates for their services and that it is in the public interest to expand application of the Maine Agricultural Marketing and Bargaining Act of 1973 to include harvesters and haulers of forest products.

Enacted Law Summary

Public Law 2019, chapter 248 amends the laws governing agricultural marketing and bargaining to:

1. Expand the definition of "independent agricultural contractor" to include a person who harvests or hauls forest products under contract.
2. Expand the legislative findings provision to include findings concerning independent agricultural contractors, which include harvesters and haulers of forest products.
3. Include in the definition of "producer" a person engaged in the production of forest products.

In addition, the law sets forth the Legislature's finding that, with respect to loggers and forest products haulers, the