

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> 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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# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
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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 129<sup>th</sup> 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 129<sup>th</sup> 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*

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

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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.

**LD 1480 An Act To Modify Retirement Plans for Fire Investigators and Sergeants**

**PUBLIC 482**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M BELLOWS S	OTP-AM ONTP	H-568

This bill changes the eligibility requirements for the retirement of a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant under the Maine Public Employees Retirement System from 55 years of age and 25 years of creditable service to just 20 years of creditable service.

**Committee Amendment "A" (H-568)**

This amendment is the majority report of the committee and replaces the bill. The amendment changes the eligibility requirements for the retirement of a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant under the Maine Public Employees Retirement System from 55 years of age and 25 years of creditable service to 20 years of creditable service. The amendment establishes a special retirement plan for a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant based on 20 years of creditable service. The amendment also adds an appropriations and allocations section to provide the funding.

**Enacted Law Summary**

Public Law 2019, chapter 482 changes the eligibility requirements for the retirement of a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant under the Maine Public Employees Retirement System from 55 years of age and 25 years of creditable service to 20 years of creditable service. The law establishes a special retirement plan for a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant based on 20 years of creditable service.

**LD 1500 An Act To Improve Workers' Compensation Protection for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T CUDDY S	ONTP	

This bill amends the Maine Workers' Compensation Act of 1992 to create protections for injured workers whose employers have not secured workers' compensation insurance in accordance with current law. The bill creates liability for situations when an employee is injured while working for an uninsured subcontractor. In such situations, the prime contractor will be responsible for payment of workers' compensation benefits as if it were the direct employer of the injured employee, unless there is an intermediate subcontractor with workers' compensation insurance coverage, in which case, the intermediate subcontractor is responsible for payment of all benefits due under the Act. These provisions take effect January 1, 2020, and are repealed July 1, 2022.

The bill also amends the laws governing the Employment Rehabilitation Fund. Until July 1, 2022, the fund will be used to pay workers' compensation benefits to injured employees working for illegally uninsured employers when