

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.

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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

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there is no other prime contractor or subcontractor liable for payment of benefits. Until July 1, 2022, the fund will not transfer a portion of its funds to the General Fund and penalties recovered for violations of the Maine Workers' Compensation Act of 1992 will be directed to this fund exclusively, instead of being shared with the Workers' Compensation Board Administrative Fund or the General Fund.

While LD 1500 was voted "Ought Not to Pass," a provision directing the Workers' Compensation Board to study issues related to employers who have wrongfully not secured workers' compensation insurance for injured workers was included in LD 756, An Act To Improve the Maine Workers' Compensation Act of 1992. See LD 756, which was enacted as Public Law 2019, chapter 344.

LD 1501 An Act To Change the Law Governing Occupational Disease Claims ONTP
under the Maine Workers' Compensation Act of 1992

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

This bill amends the law governing occupational disease claims under the Maine Workers' Compensation Act of 1992. The bill repeals the chapter in the laws governing workers' compensation entitled "Occupational Disease Law" and:

1. Defines "personal injury" under the laws governing workers' compensation to include any condition or disease contributed to by an employee's occupational cumulative trauma or exposure that arises out of and in the course of employment;
2. Specifies that the employer in whose employment the employee was last injuriously exposed to the occupational trauma or exposure is fully liable for all incapacity resulting from the occupational trauma or exposure, and the date of injury for an occupational cumulative trauma or exposure injury is the date that the employee becomes incapacitated from the occupational cumulative trauma or exposure;
3. Provides a method for calculating the amount of the employee's compensation if, on the date of incapacity resulting from occupational cumulative trauma or exposure, the injured employee no longer works in the same occupation in which the employee worked when the employee incurred the last injurious occupational cumulative trauma or exposure;
4. Specifies that, with respect to a personal injury that involves a condition or disease contributed to by the employee's occupational cumulative trauma or exposure that arises out of and in the course of employment, the employer in whose employment the employee was last injuriously exposed to the occupational trauma or exposure is fully liable for all incapacity resulting from the occupational trauma or exposure; and
5. Establishes that the date of injury for an occupational cumulative trauma or exposure injury is the date that the employee becomes incapacitated from the occupational cumulative trauma or exposure.

LD 1524 An Act To Prevent Wage Theft and Promote Employer Accountability PUBLIC 461

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM ONTP	S-203