

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

This bill addresses wage theft by an employer by creating additional remedies, including injunctive relief, treble damages to be paid to affected employees and a stop-work order against an employer who is engaging in wage theft. These remedies are in addition to any existing penalties, and the actions may be combined.

"Wage theft" is defined as a violation of specific statutes that include the requirements of timely and full payment of wages, payment of wages upon cessation of employment, payments defined as "unfair agreements" and fringe benefits.

Committee Amendment "A" (S-203)

This amendment is the majority report of the committee and replaces the bill. Like the bill, it creates additional remedies for wage theft, including injunctive relief and cease operations orders. These remedies are in addition to any existing penalties. Like the bill, it defines wage theft as a violation of specific statutes that include the requirements of timely and full payment of wages, payment of wages upon cessation of employment, payments defined as "unfair agreements" and fringe benefits, but adds violation of statutes related to minimum wage requirements to the definition.

It changes the terminology in the bill from "stop-work order" to "cease operations order" and provides more details on the process and requirements related to cease operations orders including thresholds for the issuance of a cease operations order, timing to be afforded to an employer being issued a cease operations order and requirements for the Commissioner of Labor or the commissioner's designee to stay a cease operations order. It also requires the commissioner to adopt routine technical rules.

Enacted Law Summary

Public Law 2019, chapter 461 creates additional remedies for wage theft, including injunctive relief and cease operations orders. These remedies are in addition to any existing penalties. It defines wage theft as a violation of specific statutes that include the requirements of timely and full payment of wages, payment of wages upon cessation of employment, payments defined as "unfair agreements," fringe benefits, and minimum wage requirements. This law requires the Commissioner of Labor to adopt routine technical rules.

LD 1529 An Act Concerning Nondisclosure Agreements in Employment

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARNETT T BELLOWS S	OTP-AM ONTP	H-448

This bill prohibits employers from requiring agreements that prevent an employee or prospective employee from disclosing or discussing discrimination, including harassment, occurring between employees or between an employer and an employee.

The bill prohibits settlement agreements, unless requested by the employee, prospective employee or former employee, from including a provision that prevents the disclosure of factual information relating to a claim of discrimination, including harassment. Agreements may not explicitly or implicitly limit an individual's ability to provide testimony or evidence, file claims or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor.

Under this bill, an employee, prospective employee or former employee is not liable for damages for breaching a prohibited nondisclosure agreement or a settlement agreement.

Joint Standing Committee on Labor and Housing

Committee Amendment "A" (H-448)

This amendment is the majority report of the committee and replaces the bill. It prohibits an employer from requiring an employee, intern, applicant for employment or applicant for internship to enter into a contract with the employer that contains a nondisclosure agreement, nondisparagement agreement, waiver or other provision that prevents the employee, intern or applicant from disclosing or discussing discrimination, including harassment, occurring in the workplace or at work-related events coordinated by or through the employer.

It also prevents an employer from requiring an employee, intern, applicant for employment or applicant for internship to enter into a settlement, separation or severance agreement that includes a provision that prevents the disclosure of factual information relating to a claim of discrimination, including harassment, unless the employee, intern or applicant requests such a provision. Agreements may not explicitly or implicitly limit an individual's ability to provide testimony or evidence or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor, and any agreement must make it clear that an individual retains the right to provide testimony or evidence or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor.

It specifies that an individual must be given 21 days to consider any agreement containing nondisclosure provisions and be provided at least seven days following the execution of the agreement to revoke the agreement. The bill states that an agreement is not effective or enforceable until the revocation period has expired.

It requires that an employer retain a copy of any settlement, separation or severance agreement that prevents the disclosure of factual information relating to a claim of discrimination, including harassment, in the individual's personnel file for six years.

It prohibits an employer from retaliating against an individual who opposes any act or practice that is unlawful under these provisions or interfering with an individual in the exercise or enjoyment of the rights granted or protected by these provisions. It provides the Department of Labor with the duty to enforce these provisions.

This bill was reported out of committee and then recommitted to the committee; it was then carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1537 *An Act To Increase the Portion of Retirement Benefits to Which the Cost-of-living Adjustment Applies*

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON T	OTP-AM ONTP	H-446

This bill increases the portion of retirement benefits of retired state employees, teachers and beneficiaries of either to which the cost-of-living adjustment applies from \$20,000 to \$30,000 effective July 1, 2020.

Committee Amendment "A" (H-446)

This amendment is the majority report of the committee and adds an appropriations and allocations section to the bill.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.