

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 SPECIAL AND SECOND REGULAR SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON
LABOR AND HOUSING**

November 2020

MEMBERS:

SEN. SHENNA BELLOWS, CHAIR
SEN. MARK W. LAWRENCE
SEN. STACEY K. GUERIN

REP. MICHAEL A. SYLVESTER, CHAIR
REP. RALPH TUCKER
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

STAFF:

DEIRDRE SCHNEIDER, LEGISLATIVE ANALYST
COLLEEN MCCARTHY REID, SENIOR LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

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

LD 1410 An Act To Create Paid Family and Medical Leave Benefits

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S SANBORNH		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P.1322.

This bill establishes a paid family and medical leave benefits program administered by the Department of Labor. The program provides up to 12 weeks of family leave and up to 20 weeks of medical leave to eligible covered individuals. No more than 20 weeks of family leave and medical leave in the aggregate may be taken in a 12-month period. An individual is eligible for leave under the program after working 26 weeks or more for any employer in the 12 months prior to submitting an application or if the individual is self-employed and has elected to be part of the program.

The maximum weekly benefit amount is capped at 100% of the state average weekly wage. The weekly benefit amount is 90% of the portion of the covered individual's average weekly wage that is equal to or less than 50% of the state average weekly wage and 67% of the portion of the covered individual's average weekly wage that is more than 50% of the state average weekly wage.

Covered individuals are required to file claims for benefits in accordance with rules adopted by the department and to provide certification that they qualify for family leave or medical leave.

This bill establishes the Family and Medical Leave Insurance Fund to support the program. The funds for administrative costs and payment of benefits will come from payroll contributions by employees.

The bill requires payroll contributions to begin January 1, 2021, and benefits will be paid out beginning January 1, 2022.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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 BELOWSS		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order H.P. 1322. The bill had been passed to be enacted but was recalled from the Governor's desk and recommitted to the committee at the end of the First Regular Session.

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

Joint Standing Committee on Labor and Housing

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.

An employee, prospective employee or former employee is not liable for damages for breaching a prohibited nondisclosure agreement or a settlement agreement.

Committee Amendment "A" (H-448)

This amendment was the majority report of the committee in the First Regular Session.

This amendment 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 amendment was adopted in the First Regular Session, but removed from the bill when it was recommitted to committee at the end of the First Regular Session.

This bill, which had been voted but not yet reported out of committee during the Second Regular Session, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.