

# 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  
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 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*

**LD 1620    An Act To Exclude Collectively Bargained Salary and Job Promotion  
Increases from the Earnable Compensation Limitation for Retirement  
Purposes**

**PUBLIC 395**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM ONTP	S-199

This bill restores two exclusions from the calculation of salary or wage increases for the purpose of determining average final compensation under the Maine Public Employees Retirement System that were in statute before significant changes were made in 1993.

**Committee Amendment "A" (S-199)**

This amendment is the majority report of the committee and incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2019, chapter 395 provides that salary or wage increases due to collective bargaining or job promotion are excluded from the calculation of salary or wage increases for the purpose of determining average final compensation under the Maine Public Employees Retirement System. These exclusions were in statute before significant changes were made in 1993.

**LD 1623    An Act To Improve Employee Representation under the Maine Workers'  
Compensation Act of 1992 by Amending the Laws Governing Attorney's  
Fees**

**ONTP**

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

This bill amends the law governing attorney's fees under the Maine Workers' Compensation Act of 1992. The bill requires employers to pay reasonable costs and attorney's fees if the employee prevails on a disputed petition for payment of medical and related expenses or if the employee prevails in an appeal that is decided by the Appellate Division or by the Law Court and removes language governing the specific computation of attorney's fees for lump-sum settlements.

While LD 1623 was voted "Ought Not to Pass," a provision related to the specific computation of attorney's fees for lump-sum settlements for an injury occurring on or after January 1, 2020 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 1624    An Act To Prevent Discrimination under the Maine Workers'  
Compensation Act of 1992**

**ONTP**

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

## *Joint Standing Committee on Labor and Housing*

Current law provides that an employer may not discriminate against an employee for asserting a workers' compensation claim. In *Maietta v. Town of Scarborough*, 2004 ME 97, 854 A.2d 223, the Law Court interpreted this provision as prohibiting discrimination against an employee only if the assertion of the workers' compensation claim was the primary basis or cause for the employer's adverse action against the employee. This bill amends the law to specify that if an employee's assertion of a workers' compensation claim or right constitutes any part of the basis upon which an employer decides to discipline or terminate an employee, it is a violation of the prohibition.

**LD 1625      An Act To Eliminate the Durational Cap on Partial Benefits under the      ONTP**  
**Workers' Compensation Laws**

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

Current law limits to 520 weeks the duration of workers' compensation benefits for partial incapacity due to injuries occurring on or after January 1, 2013. This bill removes that durational cap.

While LD 1625 was voted "Ought Not to Pass," a provision extending the cap from 520 weeks to 624 weeks for an injury occurring on or after January 1, 2020, 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 1639      An Act To Require Comprehensive Responsible Contracting Practices      CARRIED OVER**  
**for Public Construction Projects**

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

Part A of this bill, for the purpose of ensuring that the work on public construction contracts is performed by responsible, qualified contractors that maintain the capacity, expertise, personnel and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner, establishes responsible contractor requirements for publicly funded construction projects that receive state funds. The Part outlines a responsible contractor certification process to be administered by the Department of Administrative and Financial Services, Bureau of General Services.

Part A also clarifies that, for the purpose of the law requiring fair minimum rate of wages and benefits on public works contracts, "public works" includes any construction projects funded all or in part with state funds. Part A also amends the method of determining the prevailing wage and benefits rate paid in the construction industry to require the Department of Labor, Bureau of Labor Standards to ascertain the applicable wage and benefits rates established in collective bargaining agreements in private construction and includes in benefits wages paid to apprentices in apprenticeship programs registered with the department.

Part B of this bill requires the Executive Director of the Workers' Compensation Board or the executive director's designee to immediately issue a stop-work order to an employer who fails to procure workers' compensation insurance coverage. It requires the executive director or the executive director's designee to issue a stop-work order to an employer if the executive director or the executive director's designee finds after a hearing that the employer knowingly misrepresented employees as independent contractors or provided false, incomplete or misleading information to an insurance company on the numbers of employees the employer has for the purpose of paying a lower payment.