

MAINE STATE LEGISLATURE

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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

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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 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 was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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 again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1572 An Act To Enact the Maine Fair Chance Housing Act

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R BELLOWS S		

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 the Maine Fair Chance Housing Act, the purpose of which is to ensure that a person is not denied housing based solely on the existence of a history of criminal convictions. This bill prohibits a housing provider from considering an applicant's criminal history until after the housing provider determines that the applicant meets all other qualifications for tenancy.

A person who is aggrieved by a violation of the Maine Fair Chance Housing Act by a housing provider may file a grievance with the Maine Human Rights Commission and, if it is a violation by a private housing provider, may bring a civil action in court.

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 1639 An Act To Require Comprehensive Responsible Contracting Practices for Public Construction Projects

CARRIED OVER

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

Joint Standing Committee on Labor and Housing

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

Part A

Part A of this bill creates a responsible contractor certification process to be administered by the Department of Administrative and Financial Services, Bureau of General Services for publicly funded construction projects that receive state funds.

It would require a contractor submitting a bid to include a contractor responsibility certification form at the time of the bid. A certification form would certify that certain requirements are met for both the contractor and the contractor's employees. Requirements include:

1. Having all required valid licenses, registrations or certifications;
2. Meeting any bonding and insurance requirements;
3. Certifying that the contractor has not been suspended or debarred from eligibility to receive government contracts or subcontracts in the three years prior to the date of the bid submission;
4. Certifying that the contractor has not defaulted on any project in the three years prior to the date of the bid submission;
5. Certifying that the contractor has not been convicted of any crime related to its contracting business in the 10 years prior to the date of the bid submission;
6. Certifying that the contractor has not been found in violation of any law applicable to its contracting business where the contractor had to pay a fine, back pay, damages or any other penalty in an amount that exceeds \$1000 in the three years prior to the date of the bid submission;
7. Committing to paying all craft workers employed by that prime contractor the prevailing hourly wage and benefits rate and requiring all craft workers to complete a 10-hour safety training course when the project is for a municipality or school administrative unit for which the State provides any portion of the funding;
8. Participation on a Class A apprenticeship program for the three years prior to the date of the bid for each separate trade or occupational classification in which it proposes to employ craft workers and committing to continuing to such participation for the duration of the contract;
9. Verifying the employment eligibility of all craft workers on the project;
10. Committing to having all craft workers employed on a project to pass a drug and alcohol test at least preemployment and post any accident;
11. Certifying that the contractor possesses the technical qualifications and resources, including equipment, personnel and financial resources to meet contract requirements;
12. Committing to maintaining all qualifications, resources and capabilities referenced by the form for the duration of the project;
13. Committing to notification within seven days of any material changes to matters attested to in the form; and

Joint Standing Committee on Labor and Housing

14. Providing a list of all subcontractors and all subcontractor information required by this law if it receives a notice of intent to be awarded the contract.

This portion of the bill also requires a public review period of 21 days following the issuance of the notice of intent to award a contract. During this period any member of the public may protest, in writing and with supporting evidence, a contractor or subcontractor for failing to meet certification requirements or on any other relevant grounds

It requires the bureau to adopt rules to implement the responsible contracting law requirements.

This part 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.

This part 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

This part 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 also 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.

Part C

This part encourages the State to use project labor agreements for large-scale, state-funded construction projects of \$10,000,000 or more. A project labor agreement is a pre-hire collective bargaining agreement with one or more labor unions that establishes the terms and conditions of employment for a specific construction project.

This part also requires Maine Department of Labor in consultation with Department of Administrative and Financial Services and Maine Department of Transportation to submit a report with recommendations about whether broader use of project labor agreements would help promote the economical, efficient and timely completion of state projects.

Part D

This part requires an employer with a public works contract with the State of \$50,000 or more to provide to all employees who will be on the construction work site a safety training program that uses a curriculum approved by the United States Department of Labor, Occupational Safety and Health Administration and that is at least 10 hours in duration. Flaggers, security workers and certain other employees not considered to be on the work site are exempt from this requirement. A contractor that violates this safety training program requirement may be assessed a fine of up to \$2,500 and an additional fine of \$100 per employee for each day of noncompliance.

Part E

Joint Standing Committee on Labor and Housing

This part provides that for public works construction contracts that involve funding from the Federal Government, the prevailing wage requirements in state law apply unless the prevailing wage requirements that would otherwise apply under the federal Davis-Bacon Act would result in higher total wages under the contract. An exception is provided for funds received under the United States Housing Act of 1937 if the application of a state prevailing wage is expressly preempted by federal law.

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

LD 1659 An Act To Include Additional Corrections Officers and Mental Health Workers under the 1998 Special Plan for Retirement and To Amend the Laws Governing Retirement Benefits for Capitol Police Officers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSONT		

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

This bill adds employees of the Office of Aging and Disability Services and mental health workers who work with wards of the State or in mental health institutions within the Department of Health and Human Services and employees of the Maine Correctional Center, Long Creek Youth Development Center, Downeast Correctional Facility, former Mountain View Youth Development Center, former Charleston Correctional Facility and Mountain View Correctional Facility to the 1998 Special Plan for certain Maine Public Employees Retirement System members and requires that service retirement benefits for corrections and mental health workers and Capitol Police officers in the employment of the Department of Public Safety included in the 1998 Special Plan be computed on the same basis as benefits for other members under the plan are computed; creditable service is included regardless of when that service was earned.

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 1693 An Act To Enhance Enforcement of Employment Laws CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSONT		

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

This bill authorizes private persons, acting in the public interest, to enforce the laws governing employment practices and prohibiting unfair discrimination in the workplace.

Under this bill:

1. Private persons or whistleblowers, acting as relators, may bring public enforcement actions of employment laws on behalf of the State;