

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.

Joint Standing Committee on Labor and Housing

- 2. It provides that, when the effective date of hire of the eligible person is on or after October 1, 2019, the eligible person must enroll in the program no later than five years following the effective date of hire.
- 3. It increases the amount of the premium subsidy for enrollees in the program from 45 percent to 55 percent beginning July 1, 2021.
- 4. It provides that enrollees retiring from counties or municipalities that do not participate in the majority multiple-employer welfare arrangement and do not provide health insurance coverage for retirees may enroll in the group health plan available to state employees.
- 5. It provides that an enrollee may participate in the group health insurance plan in which the enrollee's spouse participates if that plan is offered in this State or in another group health insurance plan that is offered in this State.
- 6. It provides that an enrollee who is not receiving wages from a county or municipal employer on account of an absence from work due to an injury compensable under the Maine Workers' Compensation Act of 1992, a disability for which the enrollee is receiving a disability retirement benefit from the Maine Public Employees Retirement System or a leave of absence must contribute to the Firefighters and Law Enforcement Officers Health Insurance Program Fund for the period of time of the absence from work based on the enrollee's gross wages immediately before the absence from work in order for the enrollee to be eligible for coverage under the program.
- 7. It provides that an enrollee who retires and is subsequently hired as a county or municipal law enforcement officer or municipal firefighter must contribute to the Firefighters and Law Enforcement Officers Health Insurance Program Fund while employed as a county or municipal law enforcement officer or municipal firefighter in order for the enrollee to be eligible for coverage under the program.
- 8. It provides that an enrollee who is not receiving wages from a county or municipal employer because the enrollee is a member of the United States Armed Forces or state military forces on active duty and deployed is not required to contribute to the fund while deployed.
- 9. It removes provisions governing persons who retire without making 60 months of contributions to the fund but who meet other eligibility criteria.
- 10. It establishes the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program Advisory Committee to review proposed rules for the program.
- 11. It provides a period of open enrollment in the program beginning October 1, 2019, and ending December 31, 2021.

LD 1693 An Act To Enhance Enforcement of Employment Laws

CARRIED OVER

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

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;

Joint Standing Committee on Labor and Housing

- 2. Civic organizations may assist aggrieved persons in reporting violations of employment laws; and
- 3. Persons who are injured by violations of employment laws are protected from retaliation.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1736 An Act To Compensate Corrections and Mental Health Workers for Injuries and Illness Suffered While Working ONTP

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

Under current law, compensation for incapacity to work is not payable for the first seven days of incapacity, except that firefighters receive compensation from the date of incapacity. This bill provides that, when incapacity results in the course of employment from an assault by a person under the employee's care or from an infectious disease transmitted to the employee by a person under the employee's care, compensation is payable from the date of incapacity for corrections officers, employees of state mental health institutes and employees of the Department of Health and Human Services who provide direct care to individuals through mental health and behavioral health services or developmental disability services.

LD 1828 An Act To Amend the Laws Governing Overtime PUBLIC 387 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S	OTP-AM	S-292

Current law specifically exempts certain employees from the laws requiring the payment of overtime. This bill adds to the list of exempted employees those state employees in the executive branch and the judicial branch engaged in fire protection activities and in law enforcement activities and conforms state law to the federal Fair Labor Standards Act.

Committee Amendment "A" (S-292)

This amendment clarifies the bill regarding the exemption from certain state overtime pay requirements of executive branch and judicial branch employees engaged in fire protection activities and law enforcement activities by specifying that those employees are not entitled to overtime for working more than 40 hours in any one week only if those employees are eligible to have overtime pay calculated and paid in accordance with the standards set forth under the specified federal law. It also provides that parties are not prohibited from negotiating an agreement that provides for the payment of overtime pay that exceeds federal law.

Enacted Law Summary

Public Law 2019, chapter 387 adds to the list of exempted employees from state overtime pay requirements those state employees in the executive branch and the judicial branch engaged in fire protection activities and in law enforcement activities. It specifies that those employees are not entitled to overtime for working more than 40 hours in any one week only if those employees are eligible to have overtime pay calculated and paid in accordance with the standards set forth under federal law. It also provides that parties are not prohibited from negotiating an agreement that provides for the payment of overtime pay that exceeds federal law.