

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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Joint Standing Committee on Labor and Housing

**LD 69 An Act To Provide Economic Security to Maine Families through the
Creation of a Paid Family Medical Leave System**

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E DAUGHTRY M		

This bill creates a paid family medical leave program, patterned after the unpaid family medical leave program existing in current law but requiring a contribution from an eligible employee, or a self-employed person on a voluntary basis, of no more than 0.5% of the employee's or self-employed person's wages or earnings. The program requires employers to deduct the contributions from employee paychecks and requires the employers and self-employed persons to submit contributions to the Department of Labor, Bureau of Unemployment Compensation, which is charged with administering the program. The program pays benefits of up to 66% of an employee's wages or self-employed person's earnings, capped at the same maximum amount as unemployment benefits for leave taken by the employee or self-employed person for various family-related medical issues. The bill makes participation optional for employers that employ fewer than 15 employees. The bill also directs the Department of Labor to develop an implementation plan dealing with staffing, technology, start-up expenses, rulemaking and scheduling to begin the program on its effective date of October 1, 2020.

LD 75 An Act To Protect Earned Pay

PUBLIC 419

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E FECTEAU R	OTP-AM ONTP	S-11

Under current law, a person who receives or is scheduled to receive remuneration in the form of vacation pay in excess of four weeks' wages or holiday pay is disqualified from receiving unemployment benefits for the week that remuneration is due. This bill removes those disqualifications.

Committee Amendment "A" (S-11)

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

Enacted Law Summary

Public Law 2019, chapter 419 removes holiday pay and vacation pay in excess of four weeks' wages from the types of remuneration that will offset unemployment benefits.

LD 81 An Act To Clarify Maine Law Regarding the Tips of Service Employees

PUBLIC 10

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R BELLOWS S	OTP	

Joint Standing Committee on Labor and Housing

This bill clarifies that an employer may take an employee's tips as part of a valid tip pooling arrangement if the arrangement is only among service employees. It specifies that such a tip pooling arrangement may not violate federal law rather than requiring that it be consistent with federal law. The intent of this bill is to clarify the distinction between Maine law and any change to, or judicial interpretation of, the federal Fair Labor Standards Act and associated regulations that would allow an employer to take a service employee's tips for any reason other than for a valid tip pooling arrangement that is only among service employees.

Enacted Law Summary

Public Law 2019, chapter 10 clarifies that an employer may take an employee's tips as part of a valid tip pooling arrangement if the arrangement is only among service employees. It specifies that such a tip pooling arrangement may not violate federal law rather than requiring that it be consistent with federal law. This law clarifies the distinction between Maine law and any change to, or judicial interpretation of, the federal Fair Labor Standards Act and associated regulations that would allow an employer to take a service employee's tips for any reason other than for a valid tip pooling arrangement that is only among service employees.

LD 122 An Act To Prohibit an Employer from Asking a Prospective Hire about ONTP
the Person's Compensation History until after a Job Offer Is Made

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M DESCHAMBAULT S	ONTP	

This bill prohibits an employer from inquiring about a prospective employee's compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. The bill also prohibits an employer from requiring that a prospective employee's compensation history meet certain criteria. An employer that violates this provision is subject to a fine of not less than \$100 and not more than \$500 per violation and is also subject to a civil action that may be brought by or on behalf of an affected prospective employee by the Department of Labor or the affected employee.

LD 123 An Act To Prohibit the State from Asking a Prospective Hire about the ONTP
Person's Compensation History until after a Job Offer Is Made

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M DESCHAMBAULT S	ONTP	

This bill prohibits the State, as an employer, from inquiring about a prospective employee's compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. The bill also prohibits the State from requiring that a prospective employee's compensation history meet certain criteria. A department, agency or entity of the State that violates this provision is subject to a fine of not less than \$100 and not more than \$500 per intentional violation.

LD 139 An Act To Address the Unmet Workforce Needs of Employers and To PUBLIC 66
Improve the Economic Future of Workers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R	OTP-AM	H-82

Joint Standing Committee on Labor and Housing

This bill makes a number of changes to the Competitive Skills Scholarship Program administered by the Department of Labor, including the following.

1. It requires that the Department of Labor's outreach efforts regarding the program be tailored to focus on unemployed and underemployed workers, veterans, immigrants, recipients of benefits under the statewide food supplement program, low-skilled manufacturing workers and students enrolled in postsecondary education.
2. It directs the Department of Labor to collaborate with other entities to improve program outreach to target demographics, including, at a minimum, collaboration with the Maine Community College System.
3. It makes changes to the criteria used to determine approved education and training under the program, including consideration of employer input, changing demographics and traditional industries in the State in which innovations and new technologies are creating a demand for skilled workers.
4. It requires that a program participant be given information about the allowable uses of a family development account under the Maine Revised Statutes, Title 10, chapter 110, subchapter 4-A.
5. It adds a requirement that a participant be offered comprehensive career planning services prior to the program's development of an individual career plan with the participant and permits the Department of Labor to partner with other entities to provide this service. It directs the department to include in this partnership, at a minimum, the Maine Community College System with respect to participants enrolled or seeking enrollment in a training or education course provided by the Maine Community College System. It also directs the Maine Community College System to assist the Department of Labor in program management and oversight for such participants.
6. It repeals the January 1, 2020, repeal provision on the eligibility for the program of a full-time student at a public secondary school enrolled in a career and technical education program at a career and technical education center or a career and technical education region.

This bill also amends the laws governing the employment of minors 16 and 17 years of age, providing that such a minor may be employed in an otherwise hazardous occupation for which the minor has been trained or certified from a vocational, career and technical or cooperative education program approved by the Department of Education only if the minor has graduated from the program and has graduated from high school.

Committee Amendment "A" (H-82)

This amendment strikes a number of sections of the bill affecting the Competitive Skills Scholarship Program and does the following.

1. It retains the changes in the bill that amend the laws governing the employment of minors 16 and 17 years of age in an otherwise hazardous occupation for which the minor has been trained or certified from a vocational, career and technical or cooperative education program approved by the Department of Education to require that the minor must have graduated from high school. The amendment provides that a high school equivalency diploma or its equivalent is sufficient to meet this requirement.
2. It retains the provision in the bill that repeals the January 1, 2020, repeal provision on the eligibility for the Competitive Skills Scholarship Program of a full-time student at a public secondary school enrolled in a career and technical education program at a career and technical education center or a career and technical education region.
3. It amends the eligibility criteria of the Competitive Skills Scholarship Program to modify the requirement that an individual be at least 18 years old by also including an individual who has graduated from high school.

Enacted Law Summary

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Public Law 2019, chapter 66 amends the laws governing the employment of minors 16 and 17 years of age in an otherwise hazardous occupation for which the minor has been trained or certified from a vocational, career and technical or cooperative education program approved by the Department of Education to require that the minor must have graduated from high school. This law provides that a high school equivalency diploma or its equivalent is sufficient to meet this requirement.

This law repeals the January 1, 2020, repeal provision on the eligibility for the Competitive Skills Scholarship Program of a full-time student at a public secondary school enrolled in a career and technical education program at a career and technical education center or a career and technical education region.

LD 140 An Act To Facilitate the Employment of Persons with Substance Use Disorder ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R SANBORN L	ONTP	

This bill directs the Department of Labor to establish a process to certify employers as having met the criteria established by the department for working with employees with substance use disorders. The bill also directs the department to create a publicly accessible database of certified employers.

LD 168 Resolve, To Create a Universal Job Application System for Maine's Career Centers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B BELLOWS S	ONTP	

This resolve directs the Department of Labor to create a universal job application system for use in the State's career centers and make universal job applications available at each of the centers. It also requires the department to work with public and private employers in the creation and maintenance of the system.

LD 201 An Act To Protect Jobs in the State by Strengthening the Advance Notice Requirement for the Relocation or Closure of a Large Business PUBLIC 118

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M BELLOWS S	OTP-AM ONTP	H-149

This bill requires a person that operates a call center in the State to provide the Commissioner of Labor 120 days' notice before relocating the call center or a part of the call center. If the employer fails to notify the Commissioner of Labor of the relocation of the call center at least 120 days before the relocation, a daily fine of \$10,000 may be assessed.

The bill requires the Commissioner of Labor to create a list of employers who have relocated a call center, or a facility or operating unit handling at least 30% of call volume within a call center, from the State to a foreign country. An employer appearing on the list is ineligible for a state grant, loan or tax benefit for 5 years and is required to pay back the unamortized value of a state grant, loan or tax benefit previously issued to the employer. The bill requires that call center work for executive branch agencies of the State be performed in the State.

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Committee Amendment "A" (H-149)

This amendment, which is the majority report of the committee, strikes the bill and replaces it with changes to the law governing the notification requirements for an employer that proposes to close or relocate an industrial or commercial facility that employs 100 or more people. It changes the notification period from 60 days prior to the closure or relocation to 90 days prior, changes the civil penalty from a maximum \$500 fine to a \$500 per day fine and it applies this civil penalty to both failure to notify the Department of Labor and failure to notify the employees and the municipal officers of the municipality where the facility is located.

Enacted Law Summary

Public Law 2019, chapter 118 changes the law governing the notification requirements for an employer that proposes to close or relocate an industrial or commercial facility that employs 100 or more people. It changes the notification period from 60 days prior to the closure or relocation to 90 days prior, changes the civil penalty from a maximum \$500 fine to a \$500 per day fine and it applies this civil penalty to both failure to notify the Department of Labor and failure to notify the employees and the municipal officers of the municipality where the facility is located.

LD 219 An Act To Improve Working Conditions for Maine's Veterans and Immigrants ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M BELLOWS S	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve working conditions for Maine's veterans and immigrants.

LD 220 An Act To Improve Pay for Certain Maine Workers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M BELLOWS S	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve compensation for certain workers in the State.

LD 240 An Act To Allow Public Employers of Teachers to Negotiate Regarding Planning and Preparation Periods Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M CHENETTE J	OTP-AM ONTP	H-518

This bill allows, but does not require, public employers of teachers to negotiate with respect to educational policies.

Committee Amendment "A" (H-518)

This amendment, which is the majority report of the committee, specifies that planning and preparation periods are

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mandatory items of collective bargaining and may not be considered matters of educational policy exempted from mandatory collective bargaining.

LD 243 An Act To Create an Hourly Rate Compensation System for Loggers and Truckers ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create an hourly rate compensation system for loggers and truckers.

LD 278 An Act Regarding Pay Equality PUBLIC 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C MOONEN M	OTP-AM ONTP	S-28

This bill amends the Maine Human Rights Act to provide that evidence of discrimination with respect to compensation includes an employer seeking information about a prospective employee's prior wage history before an offer of employment, including all compensation, to the prospective employee has been made. It provides that this discrimination is also evidenced by an employer requiring that a prospective employee's prior compensation history meet certain criteria. The bill broadens a provision in the current equal pay law to prohibit an employer from preventing employees from discussing or disclosing other employees' wages and makes the practice a violation of the Maine Human Rights Act as well.

Committee Amendment "A" (S-28)

This amendment, which is the majority report of the committee, strikes and replaces the bill. The amendment prohibits an employer from inquiring about a prospective employee's compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. It creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes, for example, when such information is related to economic development programs that specifically create employment opportunities for persons with low incomes. An employer that violates this provision is subject to a fine of not less than \$100 and not more than \$500 per violation and is also subject to a civil action that may be brought by or on behalf of an affected employee or applicant by the Department of Labor or the affected employee or applicant.

This amendment also amends the Maine Human Rights Act to provide that evidence of unlawful employment discrimination includes an employer seeking information about a prospective employee's compensation history before an offer of employment, including all terms of compensation, to the applicant has been made. It also creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

Enacted Law Summary

Public Law 2019, chapter 35 prohibits an employer from inquiring about a prospective employee's compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. It creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes, for

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example, when such information is related to economic development programs that specifically create employment opportunities for persons with low incomes. An employer that violates this provision is subject to a fine of not less than \$100 and not more than \$500 per violation and is also subject to a civil action that may be brought by or on behalf of an affected employee or applicant by the Department of Labor or the affected employee or applicant.

This law also amends the Maine Human Rights Act to provide that evidence of unlawful employment discrimination includes an employer seeking information about a prospective employee's compensation history before an offer of employment, including all terms of compensation, to the applicant has been made. It also creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

LD 298 An Act To Establish a Conditional Presumption of Compensability for Corrections Employees in Cases of Impairment from Hypertension or Heart Disease ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J	ONTP	

This bill amends the workers' compensation laws by adding a presumption that heart disease or hypertension suffered by a state or county corrections employee was caused in the course of that employment, as long as the employee had successfully passed a physical examination upon entry into or during the course of that employment that failed to reveal any evidence of that condition.

LD 300 An Act To Provide School Personnel Paid Hourly a Wage Pay Option PUBLIC 193

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J	OTP-AM ONTP	H-220 S-131 BELLOWS S

This bill requires a school administrative unit to provide school personnel who are paid on an hourly basis with the option of receiving pay over a period of 12 months or shorter. The bill also provides that if a school day is cancelled or shortened due to circumstances beyond the control of school officials, a school administrative unit is required to pay school personnel who are paid on an hourly basis for the hours not worked because of the cancellation or shortened school day, up to 40 hours per school year.

Committee Amendment "A" (H-220)

This amendment, which is the majority report of the committee, strikes the portion of the bill that requires a school administrative unit to pay school personnel who are paid on an hourly basis for the hours not worked when a school day is canceled or shortened due to circumstances beyond the control of school officials. The amendment also adds a mandate preamble.

Senate Amendment "A" To Committee Amendment "A" (S-131)

This amendment removes the mandate preamble.

Enacted Law Summary

Public Law 2019, chapter 193 requires a school administrative unit to provide school personnel who are paid on an hourly basis with the option of receiving pay over a period of 12 months or shorter.

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LD 305 An Act To Protect Job Applicants from Identity Theft

PUBLIC 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	OTP-AM	H-47

This bill prohibits the request of a social security number from a prospective employee by an employer on an employment application or during the application process. Under this bill, an employer may still request a social security number from a prospective employee for purposes of a substance abuse test or preemployment background check, and an employer is not prohibited from asking for a social security number from an individual for any reason after the individual has been hired.

Committee Amendment "A" (H-47)

This amendment specifies that the prohibition specified in the bill begins January 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 47, beginning January 1, 2020, prohibits the request of a social security number from a prospective employee by an employer on an employment application or during the application process. Under this law, an employer may still request a social security number from a prospective employee for purposes of a substance abuse test or preemployment background check, and an employer is not prohibited from asking for a social security number from an individual for any reason after the individual has been hired.

**LD 308 An Act To Authorize Municipalities To Increase Notification Time
Periods for Rent Increases and Terminations of Tenancies at Will**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESSLER C	OTP-AM ONTP	H-357

This bill increases from 30 to 60 days the notice that a party must provide to terminate a tenancy at will. It also increases from 45 to 75 days the notice that a landlord must provide to increase the rent of a residential tenant.

Committee Amendment "A" (H-357)

This amendment, which is the majority report of the committee, replaces the title and the bill and authorizes a municipality to increase from 30 days up to 60 days the notice that a party must provide to terminate a tenancy at will. It also authorizes a municipality to increase from 45 days up to 75 days the notice that a landlord must provide to increase the rent of a residential tenant.

**LD 312 An Act To Reduce the Cost of Workers' Compensation Insurance for
Small Employers**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J CLAXTON N	ONTP	

This bill prohibits a workers' compensation insurer from charging a minimum premium in connection with its issuance of a workers' compensation policy.

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LD 317 An Act To Amend the Laws Governing Appointees to the Maine Labor Relations Board

PUBLIC 184

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J	OTP-AM ONTP	H-219

This bill amends the qualifications for certain members and alternates appointed to the Maine Labor Relations Board by the Governor. It requires the member and alternates representing employees to not have worked in a management capacity or represented management interests in any proceedings at any time during the prior 10 years. It also requires the member and alternates representing the public to not have worked in a management capacity or represented management interests in any proceedings or have worked for a labor organization or served in a leadership role in a labor organization at any time during the prior 10 years. These new qualifications apply to new appointments or reappointments to the board.

Committee Amendment "A" (H-219)

This amendment, which is the majority report of the committee, replaces the term "management interests" with the term "employer interests" and changes the disqualification window from 10 years to six years.

Enacted Law Summary

Public Law 2019, chapter 184 amends the qualifications for certain members and alternates appointed to the Maine Labor Relations Board by the Governor. It requires the member and alternates representing employees to not have worked in a management capacity or represented employer interests in any proceedings at any time during the prior six years. It also requires the member and alternates representing the public to not have worked in a management capacity or represented employer interests in any proceedings or have worked for a labor organization or served in a leadership role in a labor organization at any time during the prior six years. These new qualifications apply to new appointments or reappointments to the board.

LD 369 An Act Authorizing Earned Employee Leave

PUBLIC 156

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R FECTEAU R	OTP-AM OTP-AM ONTP	S-79

This bill creates a right to earned paid sick leave for employees who are employed by an employer that employs more than five employees. The bill also creates a right to earned unpaid sick leave for employees of an employer that employs five or fewer employees. This bill takes effect January 1, 2021.

Committee Amendment "A" (S-79)

This amendment, which is the majority report of the committee, replaces the title and the bill. This amendment does the following.

1. It requires an employer, except in a seasonal industry, that employs more than 10 employees for more than 120 days in any calendar year to permit each employee to earn paid leave based on the employee's base pay.
2. It specifies that an employee is entitled to earn one hour of paid leave from a single employer for every 40 hours

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worked, up to 40 hours in one year of employment, with accrual of leave beginning at the start of employment.

3. It requires an employee to work for 120 days before an employer is required to permit use of accrued earned paid leave.

4. It requires an employer to pay an employee taking earned leave at least the same base rate of pay that employee received immediately prior to taking earned leave and provide the same benefits as those provided under established policies of the employer pertaining to other types of paid leave.

5. It requires an employee, absent an emergency, illness or other sudden necessity for taking earned leave, to give reasonable notice to the employee's supervisor of the employee's intent to use leave.

6. It specifies that an employee taking earned leave maintains any employee benefits accrued before the date on which the leave commenced and the leave may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees.

7. It provides the Department of Labor, Bureau of Labor Standards the exclusive authority to enforce the law and requires the Department of Labor to adopt routine technical rules to implement and enforce the law.

8. It allows for the imposition of penalties currently established in the Maine Revised Statutes, Title 26, section 53.

9. It preempts the authority of a municipality or other political subdivision to enact any ordinance or other rule purporting to have the force of law under its home rule or other authority regulating earned paid leave.

10. It requires the Department of Labor to adopt routine technical rules to implement and enforce provisions regarding earned paid leave.

11. It specifies that earned paid leave does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the collective bargaining agreement.

12. It requires the Department of Labor, beginning January 1, 2022 and annually thereafter, to report progress to the joint standing committee of the Legislature having jurisdiction over labor matters.

Committee Amendment "B" (S-80)

This amendment, which is one of two minority reports of the committee, replaces the title and the bill. This amendment does the following.

1. It requires an employer, except in a seasonal industry, that employs more than 10 employees for more than 120 days in any calendar year to permit each employee to earn paid leave based on the employee's base pay.

2. It specifies that an employee is entitled to earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment, with accrual of leave beginning at the start of employment.

3. It requires an employee to work for 120 days before an employer is required to permit use of accrued earned paid leave.

4. It requires an employer to pay an employee taking earned leave at least the same base rate of pay that employee received immediately prior to taking earned leave and provide the same benefits as those provided under established policies of the employer pertaining to other types of paid leave.

5. It requires an employee, absent an emergency, illness or other sudden necessity for taking earned leave, to give

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reasonable notice to the employee's supervisor of the employee's intent to use leave.

6. It specifies that an employee taking earned leave maintains any employee benefits accrued before the date on which the leave commenced and the leave may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees.
7. It provides the Department of Labor, Bureau of Labor Standards the exclusive authority to enforce the law and requires the Department of Labor to adopt routine technical rules to implement and enforce the law.
8. It allows for the imposition of penalties currently established in the Maine Revised Statutes, Title 26, section 53.
9. It requires the Department of Labor to adopt routine technical rules to implement and enforce provisions regarding earned paid leave.
10. It specifies that earned paid leave does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the collective bargaining agreement.
11. It requires the Department of Labor, beginning January 1, 2022 and annually thereafter, to report progress to the joint standing committee of the Legislature having jurisdiction over labor matters.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 156 does the following.

1. It requires an employer, except in a seasonal industry, that employs more than 10 employees for more than 120 days in any calendar year to permit each employee to earn paid leave based on the employee's base pay.
2. It specifies that an employee is entitled to earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment, with accrual of leave beginning at the start of employment.
3. It requires an employee to work for 120 days before an employer is required to permit use of accrued earned paid leave.
4. It requires an employer to pay an employee taking earned leave at least the same base rate of pay that employee received immediately prior to taking earned leave and provide the same benefits as those provided under established policies of the employer pertaining to other types of paid leave.
5. It requires an employee, absent an emergency, illness or other sudden necessity for taking earned leave, to give reasonable notice to the employee's supervisor of the employee's intent to use leave.
6. It specifies that an employee taking earned leave maintains any employee benefits accrued before the date on which the leave commenced and the leave may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees.
7. It provides the Department of Labor, Bureau of Labor Standards the exclusive authority to enforce the law and requires the Department of Labor to adopt routine technical rules to implement and enforce the law.
8. It allows for the imposition of penalties currently established in the Maine Revised Statutes, Title 26, section 53.
9. It preempts the authority of a municipality or other political subdivision to enact any ordinance or other rule

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purporting to have the force of law under its home rule or other authority regulating earned paid leave.

10. It requires the Department of Labor to adopt routine technical rules to implement and enforce provisions regarding earned paid leave.

11. It specifies that earned paid leave does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the collective bargaining agreement.

12. It requires the Department of Labor, beginning January 1, 2022 and annually thereafter, to report progress to the joint standing committee of the Legislature having jurisdiction over labor matters.

LD 402 An Act To Restore Overtime Protections for Maine Workers CARRIED OVER

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

This bill annually raises the minimum salary that an employee who works in an executive, administrative or professional capacity must earn in order for that employee to be exempt from the laws governing the minimum wage and overtime pay until it is \$55,224 on January 1, 2022. The bill provides for an annual adjustment, beginning January 1, 2023, based on the percentage annual increase in certain earnings as published by the United States Department of Labor, Bureau of Labor Statistics.

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

LD 410 An Act To Eliminate the Subminimum Wage for Workers with Disabilities and Agricultural and Tipped Workers INDEF PP

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

This bill eliminates current exemptions from the minimum wage law that allow the payment of wages at less than the minimum wage rate to individuals employed in certain agricultural jobs, to individuals employed in service jobs in which tipping is customary and to certain individuals with disabilities, effective October 1, 2019. This bill was not referred to committee.

LD 415 An Act To Enhance the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A LIBBY N	ONTP	

This bill makes changes to the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program.

Joint Standing Committee on Labor and Housing

It makes enrollment in the program mandatory for a county or municipal law enforcement officer or municipal firefighter with a date of hire on or after January 1, 2020, and offers one-time open enrollment until July 1, 2020, to those officers and firefighters with a date of hire after November 1, 2006, who elected not to enroll.

It increases the employee contribution for participation in the program from 1.5 percent of gross wages to 2.5 percent and makes corresponding changes to the contribution requirements for retirees with less than five years of contributions upon retirement.

It allows a retiree to be eligible if the retiree is less than 50 years of age as long as the retiree has at least 25 years of service in a position as a county or municipal law enforcement officer or a municipal firefighter and has participated in the special consolidation retirement plan from the Maine Public Employees Retirement System.

It increases the state subsidy for the retiree's share of the costs of health insurance coverage from 45 percent to 100 percent.

It requires that all retirees be provided health insurance coverage through the group health plan provided to state employees beginning January 1, 2020.

While LD 415 was voted "Ought Not to Pass," a related bill included provisions making changes to the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. See LD 1674, An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, which was enacted as Public Law 2019, chapter 446.

LD 425 An Act To Strengthen Small Businesses in Rural Maine by Changing the Minimum Wage Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITE D FARRIN B	ONTP OTP-AM	

This bill sets the minimum wage at \$10 per hour and removes the provision that requires the minimum wage to be increased annually by the increase, if any, in the cost of living.

Committee Amendment "A" (H-85)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 462 An Act To Provide Paid Family Leave to Public School Employees Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T MILLETT R		

Joint Standing Committee on Labor and Housing

This bill provides that a full-time employee of a school administrative unit is entitled to up to 12 weeks of paid family medical leave and may not be required to use sick or other kinds of leave for the birth of the employee's child or the employee's domestic partner's child or for the placement of a child 16 years of age or less with the employee or the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner. The bill also provides that the employer and employee may negotiate whether leave is taken intermittently or on a reduced leave schedule.

LD 467 An Act To Amend the Eligibility Criteria for Creditable Service in the Armed Forces of the United States under the State Retirement System CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEOPLES A SANBORN L	OTP-AM ONTP	H-550

This bill amends the state retirement system laws governing creditable service for service in the United States Armed Forces to provide credit for service during operations in Lebanon, August 21, 1982, to February 26, 1984; operations in Grenada, October 25, 1983, to December 15, 1983; and operations in Panama, December 21, 1989, to February 13, 1990.

Committee Amendment "A" (H-550)

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

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

LD 473 An Act To Allow Flexibility in Residential Rental Agreements Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ARATA A	ONTP OTP-AM	

This bill repeals the limit on security deposits on residential rental units.

Committee Amendment "A" (H-150)

This amendment, which is the minority report of the committee, strikes the bill and replaces it with a provision specifying that the limit on security deposits on residential rental units does not apply to prepaid rent.

This amendment was not adopted.

LD 480 An Act To Ensure Pay Transparency and To Reduce Gender and Racial Wage Inequities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J	ONTP	

Joint Standing Committee on Labor and Housing

This bill requires certain employers, including, but not limited to, state agencies, to annually submit wage data reports regarding employee gender, race and ethnicity to the Maine Human Rights Commission.

LD 507 An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D DESCHAMBAULT S		

This bill amends the definition of "overcompensation" by an employer to include compensation in the form of paid leave. It changes the maximum amount an employer can withhold from an employee's pay to recover overcompensation from 10 percent to five percent. It prohibits an employer from recovering more than the amount of overcompensation paid to an employee in the three years preceding the discovery of the overcompensation. The bill also specifies that the section of law regarding overcompensation by employers that includes these provisions does not limit or affect an employee's general civil remedies against an employer.

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

LD 522 An Act To Prohibit the Imposition by Municipalities of General Restrictions on Rents and Rental Properties Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STROM S POULIOT M	ONTP OTP	

This bill prohibits towns, cities, plantations, village corporations and counties providing municipal services in the unorganized territory of their county from adopting ordinances regulating the rent that may be charged for a rental property, requiring registration of rental properties or imposing fees specific to rental properties.

LD 567 An Act To Create a Universal Basic Income Leave to Withdraw Pursuant to Joint Rule

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to establish a universal basic income for residents of the State.

Joint Standing Committee on Labor and Housing

LD 580 An Act To Improve the Advocate Program Established by the Workers' Compensation Board ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to strengthen representation for injured workers and improve the advocate program established under the Maine Workers' Compensation Act of 1992.

While LD 580 was voted "Ought Not to Pass," a provision directing the Workers' Compensation Board to study issues related to the advocate program 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 584 An Act To Convert Stipends to Base Pay for Child Protective Workers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BELLOWS S	ONTP	

This bill requires that the \$5 per wage-hour stipends provided to child protective services employees in the Department of Health and Human Services, Office of Child and Family Services for the purpose of recruitment and retention of such employees and the \$1 per wage-hour stipend paid to such child protective services employees who hold or obtain a relevant master's degree must be considered part of the base pay of employees who receive a stipend for purposes of calculating retirement benefits.

LD 591 An Act To Create Flexibility in Affordable Housing Calculations ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to allow exemptions in the calculation of the affordable housing cap for per unit expenditures.

LD 596 An Act To Prevent the Closure of Maine Businesses ONTP

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

This bill requires that a person proposing to permanently shut down an industrial or commercial facility make an offer of sale, at fair market value, of the facility and equipment to an interested employee organization or to a privately owned business entity, government-owned business entity or jointly owned business entity.

Joint Standing Committee on Labor and Housing

LD 600 An Act To Achieve Mental Health Parity in Workers' Compensation ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S SYLVESTER M	ONTP	

This bill changes the standard of proof required to demonstrate entitlement to compensation for a mental injury caused by stress so that it is the same standard as is required with respect to physical injuries. In addition, this bill specifies that a work-related injury that aggravates a preexisting mental condition may result in a compensable disability, just as aggravating a preexisting physical condition may.

LD 601 An Act To Create Fairness by Reinstating the Cost-of-living Adjustment for Workers' Compensation Benefits ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S SYLVESTER M	ONTP	

This bill establishes cost-of-living adjustments for workers' compensation benefits. Prior to the 1992 revision of the laws governing workers' compensation, benefits for total incapacity were adjusted annually based on the percentage increase or decrease in the state average weekly wage.

While LD 601 was voted "Ought Not to Pass," a similar provision to establish cost-of-living adjustments for certain injured workers 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 612 An Act To Promote Youth Employment Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRADSTREET D GUERIN S	ONTP OTP-AM	

This bill establishes a minimum hourly wage for persons who are 16 or 17 years of age that is \$1 per hour less than the regular minimum hourly wage, a minimum hourly wage for persons who are 15 years of age that is \$2 per hour less than the regular minimum hourly wage and a minimum hourly wage for persons who are 14 years of age and under that is \$3 per hour less than the regular minimum hourly wage.

Committee Amendment "A" (H-80)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

This amendment was not adopted.

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LD 622 An Act To Improve Public Sector Labor Relations

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to improve, encourage and support public sector collective bargaining and sound labor relations in the public sector by more clearly defining the rights and obligations of public employers and labor organizations that represent public employees under state public employment labor relations laws concerning information, representation, collective bargaining and other matters.

LD 670 An Act To Increase the Minimum Wage for Large Employers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B CHENETTE J	ONTP	

This bill increases the minimum wage of the employees of employers employing 50 or more full-time employees to \$13 on January 1, 2021, to \$14 on January 1, 2022, and to \$15 on January 1, 2023.

LD 733 An Act To Promote Keeping Workers in Maine

PUBLIC 513

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNECK J BELLOWS S	OTP-AM ONTP	H-280 S-208 DIAMOND B S-330 BREEN C

This bill prohibits an employer from requiring or entering into a so-called noncompete agreement with an employee earning wages that are at or below 300 percent of the federal poverty level. A noncompete agreement is defined as a contract or contract provision that prohibits an employee or prospective employee from working in the same or a similar profession or in a specified geographic area for a certain period of time following termination of employment. If an employer requires a noncompete agreement for a position of employment, the employer must disclose that requirement in any advertisement for that position, and an employer must provide an employee or prospective employee with a copy of a noncompete agreement at least three business days before requiring that employee or prospective employee to sign the agreement. An employer that violates this law commits a civil violation for which a fine of not less than \$5,000 may be adjudged. The Department of Labor is responsible for enforcement of the law. The terms of a noncompete agreement, except for a noncompete agreement with a physician, are not in effect until after an employee has been employed with the employer for at least one year or a period of 6 months from the date the agreement was signed, whichever is later.

The bill also prohibits a restrictive employment agreement between two or more employers that prohibits or restricts one employer from soliciting or hiring another employer's employees or former employees.

Committee Amendment "A" (H-280)

This amendment, which is the majority report of the committee, strikes and replaces the bill. It moves the language in the bill to another location in the Maine Revised Statutes, Title 26 and restricts the enforceability of noncompete

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agreements to the extent that they are reasonable and are no broader than necessary to protect a legitimate business interest of the employer, such as trade secrets, confidential information or goodwill. It also adds a presumption that a noncompete agreement is necessary if the legitimate business interest cannot be adequately protected through an alternative restrictive covenant. As in the bill, it also provides for ongoing appropriations to provide for enforcement of the provisions.

Senate Amendment "A" To Committee Amendment "A" (S-208)

This amendment prohibits an employer from requiring or permitting an employee earning wages at or below 400 percent of the federal poverty level, instead of at or below 300 percent of the federal poverty level as in the committee amendment, to enter into a noncompete agreement with the employer.

Senate Amendment "B" To Committee Amendment "A" (S-330)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 513 restricts the enforceability of noncompete agreements to the extent that they are reasonable and are no broader than necessary to protect a legitimate business interest of the employer, such as trade secrets, confidential information or goodwill. It also adds a presumption that a noncompete agreement is necessary if the legitimate business interest cannot be adequately protected through an alternative restrictive covenant.

**LD 734 Resolve, To Expedite the Processing of Applications for Certification CARRIED OVER
under the Federal Work Opportunity Tax Credit**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R LUCHINI L	OTP-AM ONTP	H-51

This resolve directs the Department of Labor to establish a new permanent position in the Bureau of Employment Services to expedite the processing of employer applications for certification required for the federal work opportunity tax credit under Section 51 of the United States Internal Revenue Code of 1986. The resolve also requires the Department of Labor to submit a report to the Joint Standing Committee on Labor and Housing with the most recent information available concerning applications submitted by employers, including information on the extent of any backlog in application processing, by February 1, 2020.

Committee Amendment "A" (H-51)

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

This resolve 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.

**LD 739 An Act To Help Small Businesses by Establishing an Alternate Accepted Majority
Minimum Wage (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUDNICKI S CYRWAY S	ONTP OTP-AM	

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This bill creates an alternate minimum wage applicable to employees of a small employer, to the first 90 consecutive days of employment for employees who are under 20 years of age and to employees who are under 18 years of age. The wage is \$9.75 starting January 1, 2020 and will be increased by any increase in the cost of living starting January 1, 2021, and every subsequent January 1st.

Committee Amendment "A" (H-81)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

This amendment was not adopted.

LD 756 An Act To Improve the Maine Workers' Compensation Act of 1992

PUBLIC 344

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	OTP-AM	H-603

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve the Maine Workers' Compensation Act of 1992.

Committee Amendment "A" (H-603)

This amendment replaces the bill, which is a concept draft. The amendment does the following.

It amends the definition of "average weekly wages, earnings or salary" to clarify that, for an injury occurring on or after January 1, 2020, any fringe or other benefit paid by the employer that does not continue during the disability must be included to the extent that the inclusion of the fringe or other benefit will not result in a weekly benefit amount that is greater than 2/3 of 125 percent of the state average weekly wage at the time of the injury.

It requires that the Workers' Compensation Board must vote with the support of five of the seven members of the board to contract for the services of or to employ administrative law judges beginning January 1, 2020, except for the reappointment of administrative law judges appointed prior to January 1, 2020.

It allows an exception to the requirement that the first payment must be made by an employer within 14 days after notice of the injury or death if the payment cannot be made due to a factual mistake, an act of God or unavoidable circumstances.

It increases the maximum benefit level to 125 percent of the state average weekly wage for an injury occurring on or after January 1, 2020.

It requires a cost-of-living adjustment to be applied in cases of total incapacity after 260 weeks of benefits.

It extends the cap of benefits for partial incapacity from 520 weeks to 624 weeks.

It eliminates the provision relating to the extension of benefits for partial incapacity if the whole person impairment resulting from the injury is in excess of 18 percent for an injury occurring after January 1, 2020.

It clarifies how payments for paid time off are coordinated with workers' compensation benefits.

It provides that, if a deceased employee has no dependents, the employer must pay benefits to the parents of the deceased employee for a period of 500 weeks.

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It extends the notice of injury requirement from 30 days to 60 days.

It caps the maximum percentage of attorney's fees that may be awarded at 10% in a lump-sum settlement in cases in which the injury occurred on or after January 1, 2020.

It authorizes the Workers' Compensation Board to consider adopting a rule to establish time frames for the filing of any petition related to a controversy with the board if a full agreement is not reached by the parties after conclusion of any mediation pursuant to the Maine Revised Statutes, Title 39-A, section 313.

It requires the Workers' Compensation Board to study the advocate program established pursuant to the Maine Revised Statutes, Title 39-A, section 153-A, including the salary paid to advocates, and make recommendations for any changes to improve the advocate program and its representation of injured workers to the Joint Standing Committee on Labor and Housing no later than January 1, 2020.

It directs the Workers' Compensation Board to convene a working group of stakeholders to evaluate issues related to work search and vocational rehabilitation requirements for injured workers and protections for injured workers whose employers have wrongfully not secured workers' compensation payments. On behalf of the working group, the Workers' Compensation Board is required to report to the Joint Standing Committee on Labor and Housing by January 30, 2020, with recommendations and any draft implementing legislation to address these issues.

Enacted Law Summary

Public Law 2019, chapter 344 makes the following changes to the Maine Workers' Compensation Act of 1992. It amends the definition of "average weekly wages, earnings or salary" to clarify that, for an injury occurring on or after January 1, 2020, any fringe or other benefit paid by the employer that does not continue during the disability must be included to the extent that the inclusion of the fringe or other benefit will not result in a weekly benefit amount that is greater than 2/3 of 125 percent of the state average weekly wage at the time of the injury.

It requires that the Workers' Compensation Board must vote with the support of five of the seven members of the board to contract for the services of or to employ administrative law judges beginning January 1, 2020, except for the reappointment of administrative law judges appointed prior to January 1, 2020.

It allows an exception to the requirement that the first payment must be made by an employer within 14 days after notice of the injury or death if the payment cannot be made due to a factual mistake, an act of God or unavoidable circumstances.

It increases the maximum benefit level to 125 percent of the state average weekly wage for an injury occurring on or after January 1, 2020.

It requires a cost-of-living adjustment to be applied in cases of total incapacity after 260 weeks of benefits.

It extends the cap of benefits for partial incapacity from 520 weeks to 624 weeks.

It eliminates the provision relating to the extension of benefits for partial incapacity if the whole person impairment resulting from the injury is in excess of 18 percent for an injury occurring after January 1, 2020.

It clarifies how payments for paid time off are coordinated with workers' compensation benefits.

It provides that, if a deceased employee has no dependents, the employer must pay benefits to the parents of the deceased employee for a period of 500 weeks.

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It extends the notice of injury requirement from 30 days to 60 days.

It caps the maximum percentage of attorney's fees that may be awarded at 10 percent in a lump-sum settlement in cases in which the injury occurred on or after January 1, 2020.

It authorizes the Workers' Compensation Board to consider adopting a rule to establish time frames for the filing of any petition related to a controversy with the board if a full agreement is not reached by the parties after conclusion of any mediation pursuant to the Maine Revised Statutes, Title 39-A, section 313.

It requires the Workers' Compensation Board to study the advocate program established pursuant to the Maine Revised Statutes, Title 39-A, section 153-A, including the salary paid to advocates, and make recommendations for any changes to improve the advocate program and its representation of injured workers to the Joint Standing Committee on Labor and Housing no later than January 1, 2020.

It directs the Workers' Compensation Board to convene a working group of stakeholders to evaluate issues related to work search and vocational rehabilitation requirements for injured workers and protections for injured workers whose employers have wrongfully not secured workers' compensation payments. On behalf of the working group, the Workers' Compensation Board is required to report to the Joint Standing Committee on Labor and Housing by January 30, 2020, with recommendations and any draft implementing legislation to address these issues.

LD 757 An Act To Improve Labor Laws for Maine Workers

PUBLIC 135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	OTP-AM ONTP	H-151

This bill is a concept draft pursuant to Joint Rule 208. This bill would provide employees more rights under the labor laws.

Committee Amendment "A" (H-151)

This amendment, which is the majority report of the committee, strikes the bill, which is a concept draft, and replaces it with an amendment to the labor relations laws governing municipal public employees. When employees in a collective bargaining unit file a request with their public employer to be represented by a certain organization as their collective bargaining agent, current law allows the public employer to request an election from the Maine Labor Relations Board in order to determine whether the organization indeed represents a majority of the members in the collective bargaining unit. Instead, this amendment would require an election only in such cases if, after examining the demonstration of majority support, the Maine Labor Relations Board finds majority support for the organization to be in question.

Enacted Law Summary

Public Law 2019, chapter 135 amends the labor relations laws governing municipal public employees. When employees in a collective bargaining unit filed a request with their public employer to be represented by a certain organization as their collective bargaining agent, the law previously allowed the public employer to request an election from the Maine Labor Relations Board in order to determine whether the organization indeed represents a majority of the members in the collective bargaining unit. Instead, this law requires an election only in such cases if, after examining the demonstration of majority support, the Maine Labor Relations Board finds majority support for the organization to be in question

Joint Standing Committee on Labor and Housing

LD 758 An Act To Clarify Work Search Requirements for Workers' Compensation

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

Under current law, an injured worker who is only partially incapacitated by a workplace injury may be eligible for so-called 100 percent partial incapacity benefits if the worker is not working, as long as the worker can demonstrate that the lack of employment is due to the injury and that the worker has not been able to obtain employment, within the restrictions caused by the partial incapacity, despite an adequate work search. The Maine Supreme Judicial Court outlined the factors that must be considered when determining whether a work search by the injured worker is sufficient in the case *Monaghan v. Jordan's Meats*, 2007 ME 100, 928 A.2d 786.

This bill abrogates the current "work search rule" by placing the burden on the previous employer to demonstrate that there is suitable employment available to the injured worker in the worker's local community. If the previous employer has demonstrated suitable available employment, the injured worker may still be eligible for so-called 100% partial incapacity benefits if the worker can demonstrate continued unemployment despite reasonable efforts to secure the alternative employment identified by the previous employer.

While LD 758 was voted "Ought Not to Pass," a provision directing the Workers' Compensation Board to study issues related to work search and vocational rehabilitation requirements for injured workers 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 777 An Act To Establish the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations

PUBLIC 457

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R JACKSON T	OTP-AM ONTP	H-493

This bill creates the Permanent Commission on the Status of Racial and Ethnic Populations to promote, carry out and coordinate programs designed to improve opportunities for racial and ethnic populations.

Committee Amendment "A" (H-493)

This amendment, which is the majority report of the committee, replaces the bill. It changes the name of the Permanent Commission on the Status of Racial and Ethnic Populations to the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations and makes corresponding changes throughout the amendment to capture that change. It removes legislative members from the commission and makes additional changes to the public members of the commission. It further defines the duties and powers of the commission, including providing the commission with the authority to submit legislation at the start of each regular session. The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 457 establishes the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to promote, carry out and coordinate programs designed to improve opportunities for racial, indigenous and tribal populations.

Joint Standing Committee on Labor and Housing

LD 784 An Act To Amend the Laws Governing Eligibility for Unemployment Benefits ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P STETKIS J	ONTP	

This bill disqualifies an individual from eligibility for unemployment benefits when the individual has refused to accept or attend a job interview for suitable work for which the individual is reasonably fitted.

LD 808 An Act To Create a Youth Wage Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J MORRIS J	ONTP OTP	

This bill establishes a minimum hourly wage for a person who is under 18 years of age and is enrolled as a student in a school. The wage is 75 percent of the regular minimum hourly wage.

LD 809 An Act To Expand and Clarify the Disqualification from Workers' Compensation Benefits of an Employee Who Is Injured While Under the Influence of Drugs or Alcohol ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S NADEAU C	ONTP	

Under current law, workers' compensation benefits are not allowed for the injury or death of an employee when the injury or death was caused by the employee's intoxication. This bill eliminates that provision and instead disallows benefits for an employee who was intoxicated at the time of the injury or death. This bill also clarifies that intoxication includes intoxication from an illegal drug, marijuana or alcohol.

LD 819 An Act To Enhance the Predetermination of Independent Contractors ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill requires a worker who is requesting predetermination of independent contractor status from the Workers' Compensation Board to submit all of the miscellaneous income forms provided by the United States Department of the Treasury, Internal Revenue Service received by the worker for the previous calendar year or, if the worker did not receive a miscellaneous income form for the previous year, an explanation as to why the worker did not receive a form.

Joint Standing Committee on Labor and Housing

LD 830 An Act To Balance Maine's Minimum Wage for Small and Large Employers

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J	ONTP OTP-AM	

This bill establishes a minimum hourly wage for small employers that is less than the minimum hourly wage for large employers. Beginning October 1, 2019, for an employer with fewer than 50 full-time employees in Maine, the minimum hourly wage is established at \$10; the minimum hourly wage for an employer of at least 50 full-time employees in Maine remains at \$11 until January 1, 2021, when it increases to \$12. This bill also delays the indexing of the minimum hourly wage for cost-of-living adjustments by one year until 2022.

Committee Amendment "A" (H-79)

This committee amendment is the minority report. This amendment incorporates a fiscal note.

This amendment was not adopted.

LD 833 An Act To Provide the Same Retirement Benefits for State Employees Working as Emergency Communications Specialists as Are Provided to Law Enforcement Officers

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D CARPENTER M	OTP-AM ONTP	H-496

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing the Maine Public Employees Retirement System to provide the same retirement benefits as are provided to law enforcement officers to state employees working in law enforcement, including these job classifications:

1. Emergency dispatchers;
2. Staff in the Maine State Police computer crimes unit;
3. Staff in the Maine State Police Crime Laboratory;
4. Law enforcement staff at the Attorney General's office; and
5. Forest rangers.

Committee Amendment "A" (H-496)

This amendment is the majority report of the committee and replaces the bill, which is a concept draft. The amendment allows emergency communications specialists in the employment of the Department of Public Safety to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service. The amendment also adds an appropriations and allocations section.

Joint Standing Committee on Labor and Housing

LD 857 An Act To Increase Accountability for Wage Violations

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B BELLOWS S	OTP-AM ONTP	H-78

This bill amends the law regarding employment practices by increasing the fine for a violation of certain state wage and benefits laws to \$500 for the first violation and \$2,500 for each subsequent violation and by providing a private right of action for a person aggrieved of such a violation. It amends the law regarding employees' remedies to provide that in a judgment for an employee an additional amount of three times the unpaid wages must be awarded the employee. It also provides ongoing funds for 10 labor and safety inspector positions within the Department of Labor, Bureau of Labor Standards, wage and hour division beginning October 1, 2019.

Committee Amendment "A" (H-78)

This amendment, which is the majority report of the committee, changes the fine structure proposed in the bill from a \$2,500 fine for each subsequent violation of the various wage and hour laws to a fine of at least \$500 but not more than \$2,500 for each subsequent violation. It also strikes new language added by the bill regarding a civil action remedy for violations of various wage and hour laws. It reduces the liquidated damages available in a civil action to collect unpaid minimum wages from three times the amount of unpaid wages, as proposed by the bill, to twice the amount of unpaid wages, and it reduces the Labor and Safety Inspector positions added to the bill from 10 to four.

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.

LD 883 An Act To Establish the Opt-in Maine Paid Family Leave Insurance Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M HERBIG E	ONTP	

This bill creates the Maine Paid Family Leave Insurance Program to provide wage-replacement benefits to persons who qualify for family medical leave. The program is funded by employee contributions and provides 2/3 of a person's average weekly wage or 100 percent of the state average weekly wage, whichever is lower, for up to six weeks in any 12-month period. Employee contributions are collected on a sliding scale based on wages.

While LD 883 was voted "Ought Not to Pass," a similar bill, LD 1410, An Act to Create Paid Family and Medical Leave Benefits, was carried over to the next regular or special session of the 129th Legislature.

LD 886 An Act To Protect Search and Rescue Volunteers Certified by the Maine Association for Search and Rescue from Adverse Employment Actions

PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D BELLOWS S	OTP-AM ONTP	H-447

Joint Standing Committee on Labor and Housing

This bill provides the same protections to volunteer search and rescuers for absences from work in responding to search and rescue operations requested by a law enforcement agency as volunteer firefighters receive for absences from work in responding to emergencies. Under this bill, a volunteer search and rescuer is a person who has been certified in search and rescue practices and procedures by a nonprofit search and rescue training organization recognized by the Department of Inland Fisheries and Wildlife, Bureau of Warden Service.

Committee Amendment "A" (H-447)

This amendment makes the bill consistent with the Maine Revised Statutes, Title 26, section 809, concerning absence for emergency response. It adds a definition for "recognized organization" and changes terminology from "volunteer search and rescue" to "search and rescue volunteer."

Enacted Law Summary

Public Law 2019, chapter 329 provides the same protections to search and rescue volunteers for absences from work in responding to search and rescue operations requested by a law enforcement agency as found in Maine Revised Statutes, Title 26, section 809, for emergency response.

LD 888 An Act To Provide Workplace Support to Individuals with Hearing Loss ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to add hearing loss to the list of qualifying conditions for which the Department of Labor's vocational rehabilitation program provides services.

LD 900 An Act To Expand the Rights of Public Employees under the Maine Labor Laws CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M MIRAMANT D		

This bill allows public employees, including municipal and county employees, state and legislative employees, university, academy and community college employees and judicial employees, but not including employees whose duties include protecting public safety, to strike pursuant to the official procedures of the employees' employee organization or under a process in which an affirmative vote to strike is held. The bill requires that notice be given to the public employer stating the dates upon which the strike will begin and end. The bill also provides that the employee organization or public employer may call for emergency bargaining within 3 days prior to the intended start of the strike.

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

Joint Standing Committee on Labor and Housing

LD 901 An Act To Clarify the Statute of Limitations under the Maine Workers' Compensation Act of 1992 ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill removes changes that were made by Public Law 2011, chapter 647 to the law governing the statute of limitations for workers' compensation claims and restores the law to the language that was held by the Law Court in *Wilson v. Bath Iron Works*, 942 A.2d 1237 (Me. 2008) to mean that, for purposes of filing a petition under the workers' compensation laws, the statute of limitations expires 2 years after the date of injury or two years after the date the employer files the first report of injury, whichever is later.

LD 919 An Act To Establish a Minimum Mileage Reimbursement Rate for Traveling Sales Representatives Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J STANLEY S	ONTP OTP	

This bill requires an employer to provide mileage reimbursement for an employee who travels as a sales representative who is required to use the employee's private automobile to perform the employee's duties. This reimbursement is included as wages for purposes of the laws requiring timely and full payment of wages and for wages due at cessation of employment.

LD 947 An Act To Extend the Notice of Injury Period in the Maine Workers' Compensation Act of 1992 ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S SYLVESTER M	ONTP	

Under current law governing workers' compensation, an employee must provide notice of injury to an employer within 30 days after the date of injury. This bill provides that, for claims for which the date of injury is on or after January 1, 2020, an employee must provide to the employer notice of the injury within 180 days after the date of injury.

While LD 947 was voted "Ought Not to Pass," a provision extending the notice period from 30 days to 60 days after the date of injury for claims for which the date of injury is 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.

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LD 1008 An Act To Include State Employee Stipends as Earnable Compensation ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BELLOWS S	ONTP	

This bill requires that stipends paid to a member of the Maine Public Employees Retirement System be counted as earnable compensation for purposes of calculating retirement benefits.

LD 1013 An Act To Clarify the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana PUBLIC 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S BRADSTREET D	OTP-AM	S-39 S-71 BELLOWS S

This bill clarifies that an individual whose employment is terminated because of the individual's being under the influence of marijuana while on duty or when reporting to work is disqualified from unemployment benefits, as is currently the case for alcohol and illegal drugs.

Committee Amendment "A" (S-39)

This amendment removes the provision of the bill that includes being under the influence of marijuana while on duty or when reporting to work, which is the same provision as using illegal drugs, and instead includes marijuana in the current disqualification from unemployment benefits for an individual whose employment is terminated because of intoxication while on duty or when reporting to work or engaging in unauthorized use of alcohol while on duty.

Senate Amendment "B" To Committee Amendment "A" (S-71)

This amendment excepts from the disqualification from unemployment benefits for marijuana use the use of marijuana permitted under the laws governing the medical use of marijuana.

Enacted Law Summary

Public Law 2019, chapter 125 includes marijuana in the current disqualification from unemployment benefits for an individual whose employment is terminated because of intoxication while on duty or when reporting to work or engaging in unauthorized use of alcohol while on duty. It excepts from the disqualification from unemployment benefits for marijuana use the use of marijuana permitted under the laws governing the medical use of marijuana.

LD 1017 Resolve, To Direct the Department of Labor To Develop a Framework for Encouraging Employers To Identify Safer Alternatives to Hazardous Chemicals RESOLVE 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM ONTP	S-114

Joint Standing Committee on Labor and Housing

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create statutory and regulatory requirements that are designed to prevent harm to employees by substituting for or eliminating highly toxic and hazardous chemicals in the workplace. The bill would:

1. Apply to industries, including, but not limited to, manufacturing, retail and service; automotive; auto body repair; shipbuilding; paper manufacturing; manufacturing of apparel or apparel components; medical equipment; construction; personal care product or feminine product manufacturing; coatings; textiles; lumber; plastics; technology services; and cleaning and janitorial services. The bill would not apply to agricultural employers in the State;
2. Define "highly toxic and hazardous chemical" as a chemical that, based on credible scientific evidence, has a significant potential for harm to human health;
3. Define "priority highly toxic and hazardous chemical" to include a chemical for which there is credible scientific evidence that the chemical is a carcinogen, a mutagen, a reproductive toxin, a developmental toxin, an endocrine disruptor or a neurotoxin;
4. Define "safer alternative" as an alternative that, when compared to a highly toxic and hazardous chemical that it could replace, would reduce the potential for harm to human health or that has not been shown to pose the same or greater potential harm to human health as the highly toxic and hazardous chemical;
5. Require employers in the State to identify and evaluate highly toxic and hazardous chemicals and, if feasible, eliminate those highly toxic and hazardous chemicals or substitute safer alternatives. Specifically, it would require employers to:
 - A. Identify and evaluate highly toxic and hazardous chemicals and eliminate the highly toxic and hazardous chemicals or substitute safer alternatives if feasible;
 - B. Implement a plan for the elimination and substitution of highly toxic and hazardous chemicals in the workplace;
 - C. Consult publicly accessible website lists and online databases that identify highly toxic and hazardous chemicals;
 - D. Consult safety data sheets required by the federal Department of Labor, Occupational Safety and Health Administration to identify highly toxic and hazardous chemicals;
 - E. Consult chemical suppliers and manufacturers to identify highly toxic and hazardous chemicals;
 - F. Consult publicly accessible websites and databases that identify safer alternatives that may be substituted for highly toxic and hazardous chemicals;
 - G. Contact chemical suppliers and manufacturers for possible safer alternatives;
 - H. Identify steps necessary to be followed for the elimination or substitution of a highly toxic and hazardous chemical;
 - I. Decide, with justification, whether substituting a highly toxic and hazardous chemical is feasible for business operations;
 - J. In transitioning from a highly toxic and hazardous chemical to a safer alternative, use a transition team

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composed of employees and management;

K. Together with the transition team, develop a priority ranking for all highly toxic and hazardous chemicals identified for transition to safer alternatives; and

L. Conduct an alternatives analysis of the anticipated difficulty of transitioning to a safer alternative and a financial analysis of costs;

6. Require the Commissioner of the Department of Labor to adopt rules and provide guidelines to assist employers in how to identify and evaluate highly toxic and hazardous chemicals and how to determine if safer alternatives exist. Specifically, it would require the commissioner to adopt rules:

A. To define terms, including "affected employee," "alternative chemical," "alternative chemical work plan" and "chemical";

B. To develop procedures to assist employers in implementing a program for the substitution of highly toxic and hazardous chemicals in the workplace; and

C. Governing the implementation of safer alternatives; discontinuation of safer alternatives, justification and reporting; self-audits by employers; reporting requirements; records retention requirements; access to information, including employee access and access by the State; and provision of annual employee training and informational materials; and

7. Require the Commissioner of the Department of Labor to:

A. Identify publicly accessible website lists of online databases that identify highly toxic and hazardous chemicals;

B. Make employers aware that safety data sheets required by the federal Department of Labor, Occupational Safety and Health Administration are a source for identifying highly toxic and hazardous chemicals;

C. Identify publicly accessible websites that identify safer alternatives that may be substituted for highly toxic and hazardous chemicals currently employed in industry and business operations;

D. Identify steps required for the elimination or substitution of a highly toxic and hazardous chemical, including the criteria for justification of whether eliminating or substituting for a highly toxic and hazardous chemical is feasible for employers' business operations; and

E. Enforce the provisions of the law.

Committee Amendment "A" (S-114)

This amendment replaces the bill with a resolve and replaces the title. It requires the Department of Labor to develop a framework for identifying hazardous chemicals used in the workplace and identifying safer alternatives to those chemicals in collaboration with interested parties and employers and employees in industries that are likely to utilize hazardous chemicals. The amendment requires the department to submit a report to the Joint Standing Committee on Labor and Housing by December 20, 2019, that includes a proposed framework, summarizes the process used to develop the framework and includes a list of the participants who participated in the process. It authorizes the committee to report out a bill based on the report.

Enacted Law Summary

Joint Standing Committee on Labor and Housing

Resolve 2019, chapter 47 requires the Department of Labor to develop a framework for identifying hazardous chemicals used in the workplace and identifying safer alternatives to those chemicals in collaboration with interested parties and employers and employees in industries that are likely to utilize hazardous chemicals. This law requires the department to submit a report to the Joint Standing Committee on Labor and Housing by December 20, 2019, that includes a proposed framework, summarizes the process used to develop the framework and includes a list of the participants who participated in the process. It authorizes the committee to report out a bill based on the report.

LD 1041 An Act Regarding Collective Bargaining for Public Employees under the Municipal Public Employees Labor Relations Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B BELLOWS S	ONTP	

This bill amends provisions relating to collective bargaining by public employees covered by municipal public employees labor relations laws, including:

1. Repealing the provision that prohibits public employees from stopping or slowing work, striking or blacklisting public employers to prevent the employers from filling vacancies; and
2. Requiring both parties to collective bargaining to have an individual present who is authorized to reach a tentative agreement.

LD 1058 An Act Concerning Liability for Direct Reimbursement of Unemployment Benefits Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRADSTREET D GUERIN S	ONTP OTP-AM	

This bill specifies that a governmental entity that elects to make payments in lieu of contributions into the unemployment compensation fund is not liable to make payments with respect to an individual who voluntarily separates from employment.

Committee Amendment "A" (H-217)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 1077 An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of the Federal Immigration Verification System Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVEAU J CYRWAY S	ONTP OTP	

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This bill requires an employer to register with and use the federal immigration verification system, currently known as the E-Verify program, to determine the work eligibility status of new employees physically performing services within the State.

LD 1095 An Act Regarding Workers' Compensation Liens

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S SYLVESTER M	ONTP	

When a worker suffers an injury or death that is eligible for workers' compensation benefits under the Maine Workers' Compensation Act of 1992 and that is sustained under circumstances that create legal liability for a third person, the injured employee may either claim workers' compensation benefits or seek damages in a civil suit against that third person to recover damages. Under current law, if the injured employee chooses to claim workers' compensation benefits from the employer, the employer has a lien on any damages subsequently recovered against that third person in the civil action for the value of workers' compensation benefits paid.

This bill limits the amount of the lien of the employer of the injured or deceased employee to only the value of damages received by or on behalf of the injured or deceased employee that are attributable to compensation for past or future medical treatment and loss of income or earning capacity.

LD 1098 An Act To Help Small Employers by Making the Minimum Wage Increase More Gradual in Nonurban Areas

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L STEWART T	ONTP OTP-AM	

This bill creates an alternative minimum hourly wage that applies to certain designated nonurban areas starting on January 1, 2020. Under this bill the minimum hourly wage rate for those areas is \$11 per hour and increases by 50¢ each January 1st until it reaches \$12 per hour on January 1, 2022. The minimum hourly wage stays the same as in current law for Cumberland County, except for the towns of Baldwin, Bridgton, Harrison and Naples.

The bill also freezes any scheduled increase in the current minimum wage or the new alternative minimum wage if there is in effect an extended benefit period for unemployment compensation benefits, as determined by the Commissioner of Labor. The scheduled increase or increases will resume once there is no longer an extended benefit period in effect as of January 1st of a given year. It also delays the cost-of-living adjustment for the current minimum wage to January 1, 2024, changes the calculation to be the average cost-of-living increase over the prior 3 years and changes the timing of the cost-of-living adjustment to be every 3 years instead of every year.

It also requires the Department of Labor to submit an annual report analyzing job creation and job loss trends in urban and nonurban areas since the initiation of minimum wage increases established by Initiated Bill 2015, chapter 2, section 1.

Committee Amendment "A" (S-40)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

This amendment was not adopted.

Joint Standing Committee on Labor and Housing

LD 1104 An Act To Clarify the State's Commitments Concerning Certain Public Service Retirement Benefits

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M BELLOWS S	OTP-AM	H-205

This bill changes the contractual commitment to maintain state-protected benefits regarding cost-of-living adjustments for retired state employees and teachers by specifying that it constitutes a solemn contractual commitment of the State that is protected under the Constitution of Maine and the United States Constitution.

Committee Amendment "A" (H-205)

This amendment incorporates a fiscal note.

LD 1107 An Act To Promote Workforce Development and Community Integration

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M SANBORN H	ONTP	

This bill directs the Department of Labor to establish an immigrant workforce development council and, after consultation with the council, to distribute funds through a competitive process to entities that promote integration of immigrants into the workforce and community. The bill also provides funds to support integration of immigrants into the workforce and community.

LD 1112 An Act To Provide Employee Vaccination Compensation

Leave to Withdraw Pursuant to Joint Rule

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

This bill establishes the right of an employee to refuse any vaccine required or recommended by the employer without coercion, consequence or retaliation by the employer and the employee's right to receive the vaccination at the employee's workplace and at the expense of the employer. It also requires the employer to compensate the employee for any medical expenses incurred by the employee due to an injury or adverse reaction to a vaccine and to provide any necessary paid time off to the employee, in addition to any sick time, vacation time or other benefit offered by the employer. Compensation for the employee's injury or adverse reaction to a vaccine is provided in addition to any remedy available under the workers' compensation laws.

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LD 1177 An Act To Improve Public Sector Labor Relations

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MCCREAD D	OTP-AM ONTP	S-308

This bill:

1. Amends the labor relations laws governing municipal public employees and University of Maine System employees to provide that determinations by arbitrators with respect to controversies over all subjects, including salaries, pensions and insurance, are final and binding on the parties;
2. Amends the labor relations laws governing state employees to provide that, with respect to controversies over salaries, an arbitrator's determinations are final and binding on the parties; and
3. Amends the labor relations laws governing judicial employees to provide that an arbitrator's determinations with respect to controversies over all subjects, including salaries, pensions and insurance, are final and binding on the parties and that, with respect to controversies over salaries, determinations by mediator-arbitrators are final and binding on the parties.

Committee Amendment "A" (S-308)

This amendment, which is the majority report of the committee, adds specific factors an arbitrator must consider when a controversy is not resolved between a public employer and bargaining agent under the municipal public employees labor relations law. This amendment delays the effective date of the changes made in the bill until July 1, 2020.

**LD 1184 An Act Regarding Penalties for Early Retirement for Certain Members
of the Maine Public Employees Retirement System**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D BELLOWS S	ONTP OTP-AM	H-244

Under changes made to the Maine Public Employees Retirement System in 1993, employees who were members of the Maine Public Employees Retirement System as of July 1, 1993 but did not have 10 years of creditable service as of July 1, 1993, are required to have 25 years of creditable service and attain 62 years of age in order to avoid incurring a penalty of six percent of earned benefits for each year the person retires before attaining 62 years of age. Prior to that change, the penalty was 2.25 percent for each year below 60 years of age the person retired.

This bill changes the rate of the penalty for those state employees who retired between July 1, 2011 and January 1, 2012, and for teachers who retired between July 1, 2011, and July 1, 2012, who had at least 25 years of service on July 1, 2011, but had not attained 62 years of age to 2.25 percent for each year the person was below 62 years of age upon retirement from service.

Committee Amendment "A" (H-244)

This amendment is the minority report of the committee. It makes clear that the change in the rate of the early retirement penalty for qualified members applies prospectively beginning October 1, 2019. The amendment also adds an appropriations and allocations section to fund the one-time cost of the unfunded actuarial liability created as

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a result of the change in the rate of penalty for qualified members.

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.

LD 1203 An Act To Clarify the Retirement Presumption under the Maine Workers' Compensation Act of 1992 ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

Once an individual receiving workers' compensation benefits retires and is receiving retirement benefits, there is a presumption that the individual is no longer eligible for workers' compensation benefits related to loss of earnings or earning capacity. Under current law, this presumption may be rebutted by evidence that the individual is unable to perform suitable work because of the work-related disability.

This bill lowers the evidentiary burden on the retired individual collecting workers' compensation benefits by providing that evidence that the individual's retirement was due at least in part to a work-related disability is sufficient to continue eligibility for workers' compensation benefits related to loss of earnings or earning capacity.

LD 1204 An Act To Eliminate the Cap on Weekly Benefits in Workers' Compensation Cases ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

Current law caps the weekly benefit payable under the laws governing workers' compensation to a maximum amount set in statute or a percentage of the state average weekly wage, whichever is higher. This bill eliminates the cap on the weekly benefits.

While LD 1204 was voted "Ought Not to Pass," a provision increasing the cap for weekly benefits to a maximum of 125 percent of the state average weekly wage 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 1205 An Act To Allow Full Retirement Benefits under the Maine Workers' Compensation Act of 1992 ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill strikes the provisions of law that require an employer to offset an individual's workers' compensation benefits based on retirement or pension benefits being received by that individual. It also clarifies the law to avoid the interpretation of the Maine Supreme Court in *Urrutia v. Interstate Brands International*, 2018 ME 24, 179 A.3d 312, which allowed an employer to take a credit for past overpayments, due to the employer's failure to take an allowable offset of benefits, by reducing the employer's ongoing payments of workers' compensation benefits.

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**LD 1207 An Act To Expand the 1998 Special Retirement Plan To Include
Detectives in the Office of Investigations within the Department of the
Secretary of State, Bureau of Motor Vehicles**

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C CYRWAY S	OTP-AM ONTP	H-497

This bill allows detectives in the employment of the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

Committee Amendment "A" (H-497)

This amendment is the majority report of the committee. The amendment changes the deadline for the one-time election for detectives in the Department of the Secretary of State, Bureau of Motor Vehicles to participate in the 1998 Special Plan and establishes the effective date of their participation. This amendment also adds an appropriations and allocations section.

**LD 1208 An Act To Expand the 1998 Special Retirement Plan To Include
Detectives in the Office of the Attorney General**

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C CYRWAY S	OTP-AM ONTP	H-498

This bill allows detectives in the Office of the Attorney General to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

Committee Amendment "A" (H-498)

This amendment is the majority report of the committee. The amendment changes the deadline for the one-time election for detectives in the Office of the Attorney General to participate in the 1998 Special Plan and establishes the effective date of their participation. The amendment also adds an appropriations and allocations section.

**LD 1211 An Act To Protect Farm Workers by Allowing Them To Organize for the
Purpose of Collective Bargaining**

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to allow persons working in agriculture to organize for the purposes of collectively bargaining for wages, hours, other working conditions and benefits, without fear of reprisal. The bill would exempt farms under a certain size and with a limited number of employees.

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LD 1214 *Resolve, To Conduct a Comprehensive Study of the Compensation System for State Employees*

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN D	OTP-AM ONTP	S-146

This resolve directs the Commissioner of Administrative and Financial Services to commission a comprehensive study of the wages and compensation system for employees of the executive branch of State Government. The resolve directs the commissioner to involve the certified bargaining agents for the employees covered by collective bargaining units and report the findings and any recommendations to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than July 1, 2020, and authorizes the joint standing committee to submit a bill relating to the subject matter of the report to the First Regular Session of the 130th Legislature.

Committee Amendment "A" (S-146)

This amendment, which is the majority report of the committee, changes the committee to which the report is submitted in the bill to the Joint Standing Committee on Labor and Housing and authorizes that committee to report out a bill. This amendment adds an appropriations and allocations section.

This resolve 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.

LD 1220 *An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work*

PUBLIC 436

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM OTP-AM	H-566

This bill amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees and retired teachers who return to service as classroom-based employees or school administrators in the following ways.

1. It allows a retired state employee or retired teacher to be restored to service as a classroom-based employee or school administrator beyond the current five-year limit.

2. It removes the cap of 75 percent of compensation established for the position that the retired state employee or retired teacher is filling.

3. It allows a retired state employee or retired teacher who returns to service as a classroom-based employee or school administrator to receive full retirement, health, dental and life insurance benefits as offered for the position to be filled and suspends the provisions of retiree health, dental and life insurance benefits for retired state employees or retired teachers during the period of reemployment.

4. It retains the current provisions that a retired state employee or retired teacher who returns to service is not a member and therefore may not accrue additional creditable service or change the retired state employee's or retired teacher's earnable compensation for benefit calculation purposes.

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5. It requires full employee and employer contributions to the retirement system for the unfunded liability and the state group health plan for retiree health care based upon the retired state employee's or retired teacher's compensation.

Committee Amendment "A" (H-566)

This amendment is the majority report of the committee and replaces the bill. It amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees, retired teachers and retired school administrators who return to service as classroom-based employees or school administrators in the following ways.

1. It removes the five-year limit on a retired state employee or retired teacher to be restored to service.
2. It removes the cap of 75 percent of compensation established for the position that the retired state employee or retired teacher is filling.
3. It allows a retired state employee, retired teacher or retired school administrator who returns to service to receive retirement, health, dental and life insurance benefits as negotiated by the retired state employee, retired teacher or retired school administrator or as required under collective bargaining agreements.
4. It requires that the portions of the employer and employee contributions that go to pay the retirement system for the unfunded liability and the state group health plan for health care must be continued at the same contribution rate of the employer and employee as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. A retired state employee, retired teacher or retired school administrator who returns to service is not a member and therefore may not accrue additional creditable service during the reemployment period or change the retired state employee's, retired teacher's or retired school administrator's earnable compensation for benefit calculation purposes.

Committee Amendment "B" (H-567)

This amendment is the minority report of the committee and replaces the bill. It amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees and retired teachers who return to service to remove the five-year limit on a retired state employee or retired teacher to be restored to service.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 436 amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees, retired teachers and retired school administrators who return to service as state employees, classroom-based employees or school administrators in the following ways.

1. It removes the five-year limit on a retired state employee or retired teacher to be restored to service.
2. It removes the cap of 75 percent of compensation established for the position that the retired state employee or retired teacher is filling.
3. It allows a retired state employee, retired teacher or retired school administrator who returns to service to receive retirement, health, dental and life insurance benefits as negotiated by the retired state employee, retired teacher or retired school administrator or as required under collective bargaining agreements.
4. It requires that the portions of the employer and employee contributions that go to pay the retirement system for

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the unfunded liability and the state group health plan for health care must be continued at the same contribution rate of the employer and employee as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. A retired state employee, retired teacher or retired school administrator who returns to service is not a member and therefore may not accrue additional creditable service during the reemployment period or change the retired state employee's, retired teacher's or retired school administrator's earnable compensation for benefit calculation purposes.

**LD 1232 An Act To Ensure the Right To Work without Payment of Dues or Fees
to a Labor Union as a Condition of Employment**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L DAVIS P	ONTP OTP-AM	

This bill prohibits a person, either in the public or private sector, from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations.

Committee Amendment "A" (H-281)

This amendment, which is the minority report of the committee, provides funding to the Office of the Attorney General to investigate and prosecute violations arising from the right to refrain from joining a union or paying union dues.

This amendment was not adopted.

**LD 1237 An Act To Simplify Municipal Collective Bargaining by Removing the
120-Day Notice Required Prior to Certain Negotiations**

PUBLIC 240

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J	OTP ONTP	

This bill repeals the requirement that a bargaining agent for municipal public employees submit a written request for collective bargaining to the public employer of those municipal public employees at least 120 days before the conclusion of the current fiscal operating budget.

Enacted Law Summary

Public Law 2019, chapter 240 repeals the requirement that a bargaining agent for municipal public employees submit a written request for collective bargaining to the public employer of those municipal public employees at least 120 days before the conclusion of the current fiscal operating budget.

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LD 1239 An Act To Mandate Paid Maternity and Parental Leave

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B SANBORN H	ONTP	

This bill requires employers with one to 49 employees to provide two weeks of paid maternity leave, including existing benefits, to an employee who gives birth and one week of paid parental leave to an employee whose spouse or domestic partner gives birth. Employers with more than 49 employees are required to provide four weeks of paid maternity leave, including existing benefits, to an employee who gives birth and two weeks of paid parental leave to an employee whose spouse or domestic partner gives birth. The bill also includes provisions regarding the protection of existing benefits, position restoration, denial of rights and judicial enforcement similar to the provisions of the family medical leave laws.

While LD 1239 was voted "Ought Not to Pass," a related bill, LD 1410, An Act to Create Paid Family and Medical Leave Benefits, was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1250 An Act To Prohibit Sexual Harassment as a Subject Matter of
Mandatory Arbitration in Employment Contracts**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R LAWRENCE M		

This bill prohibits an employment contract entered into after the effective date of this legislation from including a clause that requires arbitration of a sexual harassment allegation or claim and makes any such clause void. The bill does not affect the ability of an employer to include any other arbitration clause in a contract or to enforce the provisions of a contract other than the prohibited clause.

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

**LD 1251 An Act To Make Agricultural Workers and Other Workers Employees
under the Wage and Hour Laws**

ONTP

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

This bill provides that agricultural employees and seasonal employees are subject to the laws that place limits on mandatory overtime. It also provides that agricultural employees are subject to the laws that set a minimum wage and overtime rate. It provides that the laws that set an overtime rate apply to certain activities related to agricultural produce, meat and fish products and perishable foods.

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**LD 1253 An Act To Fairly Compensate for Fatal Accidents under the Maine
Workers' Compensation Act of 1992**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

Current law limits to 500 weeks the duration of death benefits under the laws governing workers' compensation. This bill removes the 500-week cap.

While LD 1253 was voted "Ought Not to Pass," a provision requiring death benefits be paid to parents of a deceased worker with no dependents 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 1319 An Act To Prohibit Employer Disciplinary Action against Firefighters
and Emergency Medical Services Persons Responding to an Emergency**

PUBLIC 218

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKI N LUCHINI L	OTP-AM	H-282

Current law protects a firefighter from disciplinary action by an employer when the firefighter is absent from work at the beginning of the work day because the firefighter is responding to an emergency. This bill extends the protection to a firefighter who leaves work during regular working hours to respond to an emergency and provides the same protections to an emergency medical services person. The bill revises provisions regarding employer notification regarding absences and employee status as a firefighter or emergency medical services person and removes an employer's ability to designate an employee as essential.

Committee Amendment "A" (H-282)

This amendment restores the ability of an employer to designate an employee as essential, as removed by the bill, but requires the disruption to the business by the employee's absence to be significant and requires the designation to be in writing and signed by both the employee and employer.

Enacted Law Summary

Public Law 2019, chapter 218 further protects a firefighter from disciplinary action by an employer when the firefighter is absent from work because the firefighter is responding to an emergency by extending the protection under current law to a firefighter who leaves work during regular working hours to respond to an emergency and provides the same protections to an emergency medical services person. The bill also revises provisions regarding employer notification regarding absences and employee status as a firefighter or emergency medical services person. It continues to allow an an employer to designate an employee as essential, but requires the disruption to the business by the employee's absence to be significant to be designated as essential and requires the designation to be in writing and signed by both the employee and employer.

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**LD 1324 Resolve, To Establish the Committee To Study the Feasibility of
Creating Basic Income Security**

RESOLVE 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E MCCREIGHT J	OTP-AM ONTP	S-157

This resolve establishes the Committee To Study the Feasibility of Creating Basic Income Security to examine options to better provide basic economic security to Maine people, including through the development of a direct cash payment system.

Committee Amendment "A" (S-157)

This amendment, which is the majority report of the committee, amends the resolve, which establishes the Committee To Study the Feasibility of Creating Basic Income Security, as follows.

1. It changes the membership of the committee.
2. It requires that the committee in fulfilling its duties invite input as necessary from the Department of Administrative and Financial Services, Bureau of Revenue Services and from the Governor's Office of Policy and Management.
3. It changes the date of the committee's report to the Legislature.

Enacted Law Summary

Resolve 2019, chapter 82 establishes the Committee To Study the Feasibility of Creating Basic Income Security to examine options to better provide basic economic security to Maine people, including through the development of a direct cash payment system.

**LD 1325 An Act To Allow Workplace Substance Use Testing for Fentanyl,
Hydromorphone, Hydrocodone, Oxycodone and Oxymorphone Use at
the Employer's Discretion**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	ONTP	

This bill allows an employer to test an employee or an applicant for employment for fentanyl, hydromorphone, hydrocodone, oxycodone and oxymorphone use during any substance use test administered by the employer.

**LD 1339 An Act To Recalculate Retirement Benefits for Certain State Employees
Adversely Affected by Merit Pay Freezes**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT R BREEN C	ONTP	

The law governing the calculation of retirement benefits for members of the Maine Public Employees Retirement System was amended by Public Law 2015, chapter 267, Part CCCC, section 1 and Public Law 2015, chapter 385 to

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allow members who retired on or after June 30, 2015, to pay the necessary member contributions to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes.

This bill authorizes a member of the Maine Public Employees Retirement System who retired on or after March 1, 2014, and prior to June 30, 2015, to include in the member's retirement benefit calculations wages lost due to merit pay freezes, retroactive to the date of the member's retirement. This provision does not include lost wages due to longevity pay freezes.

LD 1345 An Act To Ensure a Fair Workweek ONTP

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

This bill requires employers who employ five or more employees in the State to provide hourly employees at least two weeks' prior notice of the employees' work schedules, with compensation owed for schedule changes under certain circumstances. The bill also requires these employers to keep certain business records for at least three years.

The bill provides that the Department of Labor, Bureau of Labor Standards may investigate possible violations and receive complaints of possible violations from the public. A fine of \$50 per day is due for any noncompliance. The Attorney General may also file a civil action seeking additional remedies. The department may adopt rules regarding compliance with and enforcement of these provisions, and the bureau is required to report to the Legislature periodically on violations of the law and the bureau's efforts.

LD 1354 An Act To Eliminate the Penalties for State and Teacher Retirees Who Return to Employment ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S WARREN C	ONTP	

This bill eliminates the provisions in law that limit employment of a retired state employee or teacher to five years and 75 percent of the compensation established for the position.

While LD 1354 was voted "Ought Not to Pass," the substantive provision of the bill was included in LD 1220, An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work, which was enacted as Public Law 2019, chapter 436.

LD 1355 An Act To Expand the 1998 Special Retirement Plan To Include Civilian Employees Who Work for the Department of Public Safety Crime Lab and Computer Crimes Unit CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	OTP-AM	S-201

This bill allows civilian employees in the employment of the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit to elect to participate in the 1998 Special Plan of the Maine Public

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Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

Committee Amendment "A" (S-201)

This amendment clarifies the type of civilian employees in the employment of the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit that can elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. It also clarifies the date by which an employee must elect to participate in the 1998 Special Plan and specifies when that employee's participation in the 1998 Special Plan becomes effective. The amendment also adds an appropriations and allocations section.

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

LD 1359 An Act Regarding Local Workforce Development Boards

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R	OTP-AM ONTP	H-218

This bill provides for each local workforce development board in the State to receive an annual appropriation equal to \$25 multiplied by the number of unemployed persons in the local workforce development board's service area for the prior calendar year divided by 12 and requires that on or before September 1st of each even-numbered year, the Commissioner of Labor is required to prepare and submit the annual appropriation requirement for each year of the ensuing biennium to the State Budget Officer to be included in the Governor's biennial budget proposal.

This bill includes General Fund appropriations totaling \$465,252 in fiscal year 2019-20 and \$465,252 in fiscal year 2020-21 to provide funding for the local workforce development boards for the 2020-2021 biennium.

Committee Amendment "A" (H-218)

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

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.

LD 1385 An Act To Amend the Laws Governing Corrections Officers Who Suffer Certain Injuries, Impairments or Medical Conditions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S PICKETT R	ONTP	

This bill makes the following changes to the laws governing corrections officers.

1. It provides a supplemental benefit paid to a corrections officer who is injured by the acts of a patient or prisoner of the jail, prison or state correctional facility where the corrections officer works if the injury qualifies the corrections officer for workers' compensation benefits.
2. It amends the workers' compensation laws by including a rebuttable presumption that a condition of impairment

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of health caused by an infectious disease resulting in total or partial disability or death of a corrections officer is presumed to have been suffered in the line of duty, unless it is shown otherwise.

3. It amends the workers' compensation laws by including a rebuttable presumption that heart disease or hypertension suffered by a corrections officer was caused in the course of employment as a corrections officer, like the provisions of current law that establish a rebuttable presumption that cancer contracted by a firefighter was caused by exposure to carcinogens in the course of the firefighter's firefighting duties.

LD 1386 An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L	OTP-AM	S-204
COLLINGS B	ONTP	S-342 BREEN C

This bill directs the Department of Labor, Bureau of Labor Standards, when determining prevailing hourly wages and benefits, to collect one set of data through conducting a survey of wages and benefits and a second set of data through certified payroll submissions on state construction projects during two weeks in July of each year and to use the higher wage and benefit information of the two data sets to determine the prevailing hourly wage and benefit rate. This bill also increases from \$50 to \$250 the penalty for failing to provide requested information to the bureau.

Committee Amendment "A" (S-204)

Like the bill, this amendment requires two data sets to be reported to the Department of Labor, Bureau of Labor Standards in order to determine the hourly prevailing wage and benefits rate paid in the construction industry but clarifies that the second set of data, the certified payroll submissions on state construction of public works, is to come from reporting by state agencies that contract for the construction of public works. It also requires that all data must be submitted to the bureau by the second week in October. It increases the penalties the director may assess against any person who fails to provide the information from \$250 for all offenses, as in the bill, to \$250 for the first offense, \$500 for a second offense and \$1,000 for any subsequent offense. Lastly, it adds an appropriations and allocations section to fund a position in the department necessary for the administration of requirements of the bill, as amended.

Senate Amendment "A" To Committee Amendment "A" (S-342)

This amendment eliminates the General Fund appropriations for one-half of the cost of one Statistician II position within the Department of Labor, Bureau of Labor Standards and instead provides Other Special Revenue Funds allocations for the full cost of the position.

LD 1395 An Act To Create Fairness for Dispatchers in the Maine Public Employees Retirement System

PUBLIC 364

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	OTP-AM	H-551
BELLOWS S		

This bill adds dispatchers to the categories of participating local district employees for which a special retirement plan is available. Participating local districts that elect to cover their dispatchers by a more favorable special plan are responsible for the payment of any increased employer costs associated with such an election. Depending upon the plan that is elected, dispatchers may also pay an increased member contribution rate for participation in the more

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favorable special plan.

Committee Amendment "A" (H-551)

This amendment clarifies that a dispatcher may not be added to a special retirement plan by a participating local district that does not have a specific age requirement unless the dispatcher has completed at least 25 years of creditable service.

Enacted Law Summary

Public Law 2019, chapter 364 adds dispatchers to the categories of participating local district employees for which a special retirement plan is available. Participating local districts that elect to cover their dispatchers by a more favorable special plan are responsible for the payment of any increased employer costs associated with such an election. Depending upon the plan that is elected, dispatchers may also pay an increased member contribution rate for participation in the more favorable special plan. The law also clarifies that a dispatcher may not be added to a special retirement plan by a participating local district that does not have a specific age requirement unless the dispatcher has completed at least 25 years of creditable service.

LD 1400 An Act To Improve Recruitment and Retention in State Law Enforcement by Offering Retirement Service Credit

PUBLIC 459

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M	OTP-AM	H-495

This bill allows a member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program to purchase up to four years of service credit for time served as a full-time law enforcement officer prior to membership.

It also allows a member of either program who served as a full-time active duty member of the United States Armed Forces during the Cold War, measured from January 1, 1947, to December 27, 1991, before becoming a member and who separated from the armed forces under conditions other than dishonorable to purchase service credit. This service credit is capped at four years for members of the State Employee and Teacher Retirement Program and five years for members of the Participating Local District Retirement Program.

Committee Amendment "A" (H-495)

This amendment replaces the bill. It allows a member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program to purchase up to four years of service credit for time served as a full-time law enforcement officer prior to membership at full actuarial cost if the member has at least 15 years of creditable service at the time of retirement. The amendment also requires that the member certify that the service credit to be purchased has not and will not be used to obtain other retirement benefits. The amendment also clarifies that the purchase of service credit for time served as a full-time law enforcement officer may be applied to the requirement for creditable service of 25 years under the 1998 Special Plan.

Enacted Law Summary

Public Law 2019, chapter 459 allows a member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program to purchase up to four years of service credit for time served as a full-time law enforcement officer prior to membership at full actuarial cost if the member has at least 15 years of creditable service at the time of retirement. The law requires that the member certify that the service credit to be purchased has not and will not be used to obtain other retirement benefits. The law also clarifies that the purchase of service credit for time served as a full-time law enforcement officer may be applied to the requirement for creditable service of 25 years under the 1998 Special Plan.

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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 SANBORN H		

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 percent of the state average weekly wage. The weekly benefit amount is 90 percent of the portion of the covered individual's average weekly wage that is equal to or less than 50 percent of the state average weekly wage and 67 percent of the portion of the covered individual's average weekly wage that is more than 50 percent 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. It also requires payroll contributions to begin January 1, 2021, and benefits will be paid out beginning January 1, 2022.

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

LD 1411 An Act Regarding the Federal Workforce Innovation and Opportunity Act

PUBLIC 246

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R	OTP-AM ONTP	H-358

This bill amends provisions related to the federal Workforce Innovation and Opportunity Act. It makes appointment of members to the State Workforce Board subject to confirmation by the Legislature. It requires the State Workforce Board to submit the state workforce development plan to the joint standing committee of the Legislature having jurisdiction over labor matters prior to the plan being submitted to the Federal Government. It directs the Treasurer of State to disburse federal funds received pursuant to the federal Workforce Innovation and Opportunity Act and state funds made available to be used to implement that Act if the Governor does not authorize disbursement of the funds within 30 days after the funds are received or made available.

Committee Amendment "A" (H-358)

This amendment, which is the majority report of the committee, requires the state workforce development plan to be submitted to the joint standing committee of the Legislature having jurisdiction over labor matters at the same time the plan is posted for public comment pursuant to the federal Workforce Innovation and Opportunity Act. It requires that the appointments of certain members of the State Workforce Board are subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature,

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but clarifies that members such as the Governor or commissioners of state agencies and county commissioners are not required to be confirmed by the Legislature. It specifies that when the term of a member expires, that member remains on the board until replaced. Lastly, it requires the Governor to make federal funds available to the local workforce boards to be used to implement the Workforce Innovation and Opportunity Act within 30 days after the date funds are made available to the Governor and in accordance with state procurement rules and the federal Cash Management Improvement Act of 1990.

Enacted Law Summary

Public Law 2019, chapter 246 amends provisions related to the federal Workforce Innovation and Opportunity Act. This law requires the state workforce development plan to be submitted to the joint standing committee of the Legislature having jurisdiction over labor matters at the same time the plan is posted for public comment pursuant to the federal Workforce Innovation and Opportunity Act. It requires that the appointments of certain members of the State Workforce Board are subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature, but clarifies that members such as the Governor or commissioners of state agencies and county commissioners are not required to be confirmed by the Legislature. It specifies that when the term of a member expires, that member remains on the board until replaced. Lastly, it requires the Governor to make federal funds available to the local workforce boards to be used to implement the Workforce Innovation and Opportunity Act within 30 days after the date funds are made available to the Governor and in accordance with state procurement rules and the federal Cash Management Improvement Act of 1990.

LD 1412 An Act To Amend the Laws Governing the Collective Bargaining Rights of Employees of School Management and Leadership Centers

PUBLIC 460

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J LAWRENCE M	OTP-AM ONTP	H-494

This bill provides that employees of school management and leadership centers established under the Maine Revised Statutes, Title 20-A, chapter 123 are eligible to participate in the Maine Public Employees Retirement System. It also establishes collective bargaining obligations, duties, liabilities and rights for a school management and leadership center pursuant to the laws governing municipal public employers and includes provisions for the merging of bargaining units of employees of a school administrative unit that also are employed by a school management and leadership center.

Committee Amendment "A" (H-494)

This amendment, which is the majority report of the committee, specifies that the retirement costs and administrative operating expenses related to the retirement programs for teachers employed by a school management and leadership center are to be paid by that school management and leadership center.

Enacted Law Summary

Public Law 2019, chapter 460 provides that employees of school management and leadership centers established under the Maine Revised Statutes, Title 20-A, chapter 123 are eligible to participate in the Maine Public Employees Retirement System. It also establishes collective bargaining obligations, duties, liabilities and rights for a school management and leadership center pursuant to the laws governing municipal public employers and includes provisions for the merging of bargaining units of employees of a school administrative unit that also are employed by a school management and leadership center.

This law also specifies that the retirement costs and administrative operating expenses related to the retirement programs for teachers employed by a school management and leadership center are to be paid by that school management and leadership center.

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**LD 1413 An Act To Reduce Administrative Burdens of Forest Products
Harvesters**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ARATA A	ONTP OTP	

This bill provides that, when the Workers' Compensation Board issues a certificate of independent status certifying that a contractor that harvests forest products does so in a manner that would not make the contractor an employee of a landowner, that certificate of independent status remains valid unless the manner in which the contractor harvests changes.

**LD 1451 An Act Providing Labor Unions with Reasonable Access to Current and
Newly Hired Public Sector Workers**

PUBLIC 389

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B JACKSON T	OTP-AM ONTP	H-602

This bill makes changes to the laws governing collective bargaining for municipal employees, state employees, judicial employees and employees of the University of Maine System, the Maine Maritime Academy and the Maine Community College System to provide a collective bargaining agent with greater access to employees and employee information for those employees represented by that collective bargaining agent. It also provides a collective bargaining agent with the right to use any government building or facility to conduct meetings with its members, as long as that use does not interfere with governmental operations. The government entity may charge the collective bargaining agent for any additional costs that use may incur.

Committee Amendment "A" (H-602)

This amendment, which is the majority report of the committee, does the following.

1. It changes the minimum amount of time an employer must allow for a newly hired employee to meet with a bargaining agent from 30 minutes to either 30 minutes or an amount of time agreed upon by all parties.
2. It changes from 10 days to 30 days the amount of time an employer has to provide a bargaining agent with information regarding newly hired employees.
3. It allows an employee to opt out after initial communications with a bargaining agent from any further contact or sharing of that employee's information with a bargaining agent, except for instances when that employee is being provided direct representation by the bargaining agent.
4. It prohibits a bargaining agent from selling or sharing a nonmember's information except for the purposes of that bargaining agent fulfilling its collective bargaining obligations.

Enacted Law Summary

Public Law 2019, chapter 389 changes the laws governing collective bargaining for municipal employees, state employees, judicial employees and employees of the University of Maine System, the Maine Maritime Academy and the Maine Community College System to provide a collective bargaining agent with greater access to employees and employee information for those employees represented by that collective bargaining agent. This law

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provides a collective bargaining agent with the right to use any government building or facility to conduct meetings with its members, as long as that use does not interfere with governmental operations. The government entity may charge the collective bargaining agent for any additional costs that use may incur. This law allows an employee to opt out after initial communications with a bargaining agent from any further contact or sharing of that employee's information with a bargaining agent, except for instances when that employee is being provided direct representation by the bargaining agent. Lastly, this law prohibits a bargaining agent from selling or sharing a nonmember's information except for the purposes of that bargaining agent fulfilling its collective bargaining obligations.

LD 1459 An Act To Expand Application of the Maine Agricultural Marketing and Bargaining Act of 1973 to Harvesters and Haulers of Forest Products

PUBLIC 248

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

Current law authorizes the membership of farmers in cooperative organizations and requires handlers of agricultural products to bargain in good faith with such organizations because agricultural products are produced by numerous individual farmers and the marketing and bargaining position of individual farmers will be adversely affected unless they are able to join together. This bill recognizes that market forces that affect the marketing and bargaining position of individual farmers similarly affect the marketing and bargaining position of individual harvesters and haulers of forest products, and it expands application of the Maine Agricultural Marketing and Bargaining Act of 1973 to include harvesters and haulers of forest products. Specifically, this bill amends the laws governing agricultural marketing and bargaining to:

1. Expand the definition of "independent agricultural contractor" to include a person who harvests or hauls forest products under contract;
2. Expand the legislative findings provision to include findings concerning independent agricultural contractors, which include harvesters and haulers of forest products; and
3. Include in the definition of "producer" a person engaged in the production of forest products.

In addition, the bill sets forth the Legislature's finding that, with respect to loggers and forest products haulers, the inequity of power in determining compensation and the lack of opportunity to join together in bargaining over compensation can result in unfair contract rates for their services and that it is in the public interest to expand application of the Maine Agricultural Marketing and Bargaining Act of 1973 to include harvesters and haulers of forest products.

Enacted Law Summary

Public Law 2019, chapter 248 amends the laws governing agricultural marketing and bargaining to:

1. Expand the definition of "independent agricultural contractor" to include a person who harvests or hauls forest products under contract.
2. Expand the legislative findings provision to include findings concerning independent agricultural contractors, which include harvesters and haulers of forest products.
3. Include in the definition of "producer" a person engaged in the production of forest products.

In addition, the law sets forth the Legislature's finding that, with respect to loggers and forest products haulers, the

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inequity of power in determining compensation and the lack of opportunity to join together in bargaining over compensation can result in unfair contract rates for their services and that it is in the public interest to expand application of the Maine Agricultural Marketing and Bargaining Act of 1973 to include harvesters and haulers of forest products.

LD 1480 An Act To Modify Retirement Plans for Fire Investigators and Sergeants

PUBLIC 482

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M BELLOWS S	OTP-AM ONTP	H-568

This bill changes the eligibility requirements for the retirement of a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant under the Maine Public Employees Retirement System from 55 years of age and 25 years of creditable service to just 20 years of creditable service.

Committee Amendment "A" (H-568)

This amendment is the majority report of the committee and replaces the bill. The amendment changes the eligibility requirements for the retirement of a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant under the Maine Public Employees Retirement System from 55 years of age and 25 years of creditable service to 20 years of creditable service. The amendment establishes a special retirement plan for a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant based on 20 years of creditable service. The amendment also adds an appropriations and allocations section to provide the funding.

Enacted Law Summary

Public Law 2019, chapter 482 changes the eligibility requirements for the retirement of a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant under the Maine Public Employees Retirement System from 55 years of age and 25 years of creditable service to 20 years of creditable service. The law establishes a special retirement plan for a state fire marshal investigator, state fire marshal senior investigator and state fire marshal sergeant based on 20 years of creditable service.

LD 1500 An Act To Improve Workers' Compensation Protection for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance

ONTP

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

This bill amends the Maine Workers' Compensation Act of 1992 to create protections for injured workers whose employers have not secured workers' compensation insurance in accordance with current law. The bill creates liability for situations when an employee is injured while working for an uninsured subcontractor. In such situations, the prime contractor will be responsible for payment of workers' compensation benefits as if it were the direct employer of the injured employee, unless there is an intermediate subcontractor with workers' compensation insurance coverage, in which case, the intermediate subcontractor is responsible for payment of all benefits due under the Act. These provisions take effect January 1, 2020, and are repealed July 1, 2022.

The bill also amends the laws governing the Employment Rehabilitation Fund. Until July 1, 2022, the fund will be used to pay workers' compensation benefits to injured employees working for illegally uninsured employers when

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there is no other prime contractor or subcontractor liable for payment of benefits. Until July 1, 2022, the fund will not transfer a portion of its funds to the General Fund and penalties recovered for violations of the Maine Workers' Compensation Act of 1992 will be directed to this fund exclusively, instead of being shared with the Workers' Compensation Board Administrative Fund or the General Fund.

While LD 1500 was voted "Ought Not to Pass," a provision directing the Workers' Compensation Board to study issues related to employers who have wrongfully not secured workers' compensation insurance for injured workers 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 1501 An Act To Change the Law Governing Occupational Disease Claims ONTP
under the Maine Workers' Compensation Act of 1992

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

This bill amends the law governing occupational disease claims under the Maine Workers' Compensation Act of 1992. The bill repeals the chapter in the laws governing workers' compensation entitled "Occupational Disease Law" and:

1. Defines "personal injury" under the laws governing workers' compensation to include any condition or disease contributed to by an employee's occupational cumulative trauma or exposure that arises out of and in the course of employment;
2. Specifies that the employer in whose employment the employee was last injuriously exposed to the occupational trauma or exposure is fully liable for all incapacity resulting from the occupational trauma or exposure, and the date of injury for an occupational cumulative trauma or exposure injury is the date that the employee becomes incapacitated from the occupational cumulative trauma or exposure;
3. Provides a method for calculating the amount of the employee's compensation if, on the date of incapacity resulting from occupational cumulative trauma or exposure, the injured employee no longer works in the same occupation in which the employee worked when the employee incurred the last injurious occupational cumulative trauma or exposure;
4. Specifies that, with respect to a personal injury that involves a condition or disease contributed to by the employee's occupational cumulative trauma or exposure that arises out of and in the course of employment, the employer in whose employment the employee was last injuriously exposed to the occupational trauma or exposure is fully liable for all incapacity resulting from the occupational trauma or exposure; and
5. Establishes that the date of injury for an occupational cumulative trauma or exposure injury is the date that the employee becomes incapacitated from the occupational cumulative trauma or exposure.

LD 1524 An Act To Prevent Wage Theft and Promote Employer Accountability PUBLIC 461

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM ONTP	S-203

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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.

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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.

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LD 1546 An Act To Protect State Employees When Their Contracts Have Expired

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M	OTP-AM ONTP	S-202

This bill provides that, during an interim between the expiration of a state employee collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, state employees covered by the expired collective bargaining agreement remain eligible for and must receive merit increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement and the public employer is required to pay any increase in employee health insurance premiums occurring during the interim.

Committee Amendment "A" (S-202)

This amendment removes the requirement that a public employer is required to pay any increase in employee health insurance premiums occurring during the interim between the expiration of a state employee collective bargaining agreement and before the effective date of any subsequent bargaining agreement.

Enacted Law Summary

Public Law 2019, chapter 393 provides that, during an interim between the expiration of a state employee collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, state employees covered by the expired collective bargaining agreement remain eligible for and must receive merit increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

LD 1564 An Act To Authorize Project Labor Agreements for Public Works Projects

PUBLIC 278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM ONTP	S-158

This bill allows a public authority to require a project labor agreement for a public works project when that public authority determines that it is in the public's interest to require such an agreement.

Committee Amendment "A" (S-158)

This amendment, which is the majority report of the committee, repeals the Maine Revised Statutes, Title 26, section 1316 as that section was effective only from October 1, 2011 to October 1, 2015.

Enacted Law Summary

Public Law 2019, chapter 278 allows a public authority to require a project labor agreement for any public works project when that public authority determines on a project-by-project basis and acting within its discretion, that it is in the public interest to require such an agreement. This law specifies that when making this determination that the public authority shall consider the effect the agreement may have on:

1. The efficiency, cost and direct and indirect economic benefits to the public authority;
2. The availability of a skilled workforce to complete the public works project;

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- 3. The prevention of construction delays;
- 4. The safety and quality of the public works project;
- 5. The advancement of minority-owned businesses and women-owned businesses; and
- 6. Employment opportunities for the community.

This law also requires that a project labor agreement required by a public authority:

- 1. Set forth mutually binding procedures for resolving disputes that can be implemented without delay;
- 2. Include guarantees against a strike, lockout or other concerted action aimed at slowing or stopping the progress of the public works project;
- 3. Ensure a reliable source of skilled and experienced labor;
- 4. Include goals for the number of apprentices and for a percentage of work to be performed by minorities, women and veterans;
- 5. Provide for the invitation of all contractors to bid on the public works project without regard to whether the employees of any such contractor are members of a labor organization;
- 6. Permit the selection of the lowest responsible qualified bidder without regard to labor organization affiliation; and
- 7. Bind all contractors and subcontractors to the terms of the agreement.

This law specifies that a project labor agreement required by a public authority may not require compulsory labor organization membership of employees working on the public works project.

Lastly, this law specifies that a bidder for a public works project that does not agree to abide by the conditions of a project labor agreement or refuses to negotiate a project labor agreement may not be regarded as a responsible qualified bidder for the project.

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 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.

Under this bill, 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.

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

LD 1588 An Act To Create a Registration Process and Permits for Vacation Rentals **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	ONTP	

Current law exempts private homes, when not more than 5 rooms are let in that home, and cottages and rooms, when not more than three rooms or cottages are let, from licensing as a lodging place. This bill retains that exemption from licensing for such places, but considers them vacation rentals and requires the owner of a vacation rental to register the vacation rental with the Department of Health and Human Services and obtain a permit. The permit is issued on an annual basis for a fee of no more than \$50. The department is required to establish and maintain a vacation rental registry. A vacation rental is defined in current law as a residential property that is rented for vacation, leisure or recreation purposes for a day, a week or a month, and typically under 30 days but not for more than an entire summer or winter season, to a person who has a place of permanent residence to which the person intends to return.

This bill also makes nonsubstantive grammatical changes to reflect current drafting standards.

LD 1600 An Act To Support E-9-1-1 Dispatchers and Corrections Officers Diagnosed with Post-traumatic Stress Disorder **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILLINGHAM K HAMPER J	ONTP	

This bill adds corrections officers and E-9-1-1 dispatchers to the list of employees for whom there is a rebuttable presumption under the laws governing workers' compensation that when the employee is diagnosed by a licensed psychiatrist or psychologist as having post-traumatic stress disorder resulting from work stress that was extraordinary and unusual, the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment.

LD 1605 An Act To Provide Fair Contracts in the Logging Industry **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to ensure fairness in wood harvesting contracts.

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**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	

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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.

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Part C of the bill 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 prehire collective bargaining agreement with one or more labor unions that establishes the terms and conditions of employment for a specific construction project.

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

LD 1654 An Act To Create Veteran-friendly Workplaces

PUBLIC 350

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B	OTP-AM	H-445

This bill requires an employer who provides paid leave and has 10 or more employees to allow a veteran to take paid leave to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs. An employer who does not provide paid leave and has 10 or more employees must grant unpaid leave to a veteran to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs.

An employer who provides paid leave and has fewer than 10 employees must allow a veteran to take paid leave to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs when the veteran provides the employer at least two weeks' notice of such an appointment unless the United States Department of Veterans Affairs provides the veteran less than two weeks' notice of an appointment, in which case the veteran shall provide the employer notice of the appointment as soon as reasonably possible. An employer who does not provide paid leave and has fewer than 10 employees must grant unpaid leave to a veteran to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs when the veteran provides the employer at least two weeks' notice of such an appointment unless the United States Department of Veterans Affairs provides the veteran less than two weeks' notice of an appointment, in which case the veteran shall provide the employer notice of the appointment as soon as reasonably possible.

Committee Amendment "A" (H-445)

This amendment requires an employer to allow a veteran to take paid leave or unpaid leave, depending on whether or not the employer offers paid leave, to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs, as long as the veteran gives the employer notice of the appointment as soon as reasonably possible.

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Enacted Law Summary

Public Law 2019, chapter 350 requires an employer to allow a veteran to take paid leave or unpaid leave, depending on whether or not the employer offers paid leave, to attend a scheduled appointment at a medical facility operated by the United States Department of Veterans Affairs, as long as the veteran gives the employer notice of the appointment as soon as reasonably possible.

LD 1658 An Act To Clarify the Definition of "Public Works"

PUBLIC 473

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM ONTP	S-200

This bill 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 in this bill 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.

Committee Amendment "A" (S-200)

The amendment, which is the majority report of the committee, replaces the bill and clarifies that "public works" includes any construction projects funded in whole or in part by state funds.

Enacted Law Summary

Public Law 2019, chapter 473 clarifies that "public works" includes any construction projects funded in whole or in part by state funds.

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>
JACKSON T		

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.

The substantive provisions of the bill related to the computation of creditable service for certain corrections officers were incorporated into a committee bill, LD 1842, An Act Relating to the Computation of Benefits for Correctional Officers in the 1998 Special Retirement Plan, which was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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

LD 1664 An Act To Place Funds for the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program into a Trust

PUBLIC 280

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N BRYANT M	OTP-AM	S-188

This bill provides that funds held in connection with the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program are held in a trust fund. It renames the Firefighters and Law Enforcement Officers Health Insurance Program Fund the Firefighters and Law Enforcement Officers Health Insurance Program Trust Fund. It directs the Treasurer of State to invest the funds in the Firefighters and Law Enforcement Officers Health Insurance Program Trust Fund in accordance with the state-held trust investment policy of the Treasurer of State.

Committee Amendment "A" (S-188)

This amendment replaces the bill. The amendment provides that funds held in connection with the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program that are not necessary to support the normal costs and administrative costs of the program are held in a trust fund. It directs the Treasurer of State to invest the funds in the trust fund in accordance with the state-held trust investment policy of the Treasurer of State.

Enacted Law Summary

Public Law 2019, chapter 280 provides that funds held in connection with the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program that are not necessary to support the normal costs and administrative costs of the program are held in a trust fund. It directs the Treasurer of State to invest the funds in the trust fund in accordance with the state-held trust investment policy of the Treasurer of State.

LD 1674 An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program

PUBLIC 446

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM ONTP	S-290

This bill makes the following changes to the laws governing the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program.

1. It requires a county or municipality that employs a county or municipal law enforcement officer or municipal firefighter to notify such an employee of the program in writing no later than 60 days following the effective date of hire of that employee. Such an employee must choose in writing whether to enroll in the program. A copy of the form on which an employee chooses to enroll in the program or to not enroll in the program must be retained by the county or municipality.

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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 from 45 percent to 55 percent.
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.

Committee Amendment "A" (S-290)

This amendment is the majority report of the committee. The amendment delays until July 1, 2021, the provision to increase the state share of the premium subsidy for enrollees in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program from 45 percent to 55 percent.

Enacted Law Summary

Public Law 2019, chapter 446 makes the following changes to the laws governing the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program.

1. It requires a county or municipality that employs a county or municipal law enforcement officer or municipal firefighter to notify such an employee of the program in writing no later than 60 days following the effective date of hire of that employee. Such an employee must choose in writing whether to enroll in the program. A copy of the form on which an employee chooses to enroll in the program or to not enroll in the program must be retained by the county or municipality.

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- 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> JACKSON T	<u>Committee Report</u>	<u>Amendments Adopted</u>
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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;

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- 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.

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Public Law 2019, chapter 387 was enacted as an emergency measure effective June 19, 2019.

LD 1842 An Act Relating to the Computation of Benefits for Correctional Officers in the 1998 Special Retirement Plan

CARRIED OVER

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

This bill is being reported out by the committee pursuant to Joint Order 2019, S.P. 584, was not referred back to committee and is the majority report of the committee. The bill requires that service retirement benefits for employees of the Department of Corrections included in the 1998 Special Plan as of the effective date of the bill who receive a direct care stipend pursuant to a collective bargaining agreement and who were employed prior to January 1, 2000, 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. The bill includes an appropriations and allocations section to provide funding.

This bill was 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.

LD 1845 An Act To Fund Collective Bargaining Agreements with Executive Branch Employees

**PUBLIC 505
EMERGENCY**

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

This bill implements the cost items in the collective bargaining agreements reached between the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and Maine State Employees Association and provides for equitable treatment for confidential employees and certain other employees excluded from collective bargaining.

The bill specifies the costs from the General Fund and Highway Fund to fund salary increases and authorizes the transfer by financial order of available General Fund and Highway Fund balances as necessary.

The bill also specifies the costs from the General Fund and Highway Fund to fund the overtime payment settlements and authorizes the transfer by financial order of available General Fund and Highway Fund balances as necessary.

The bill provides for the adjustment of certain salary schedules in fiscal year 2019-20 and in fiscal year 2020-21 consistent with ratified contracts. The bill provides for similar and equitable treatment of confidential employees, probationary employees and other employees excluded from collective bargaining.

This bill was not referred to committee.

Enacted Law Summary

Public Law 2019, chapter 505 implements the cost items in the collective bargaining agreements reached between the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and Maine State Employees Association and provides for equitable treatment for confidential employees and certain other employees excluded from collective bargaining

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This law specifies the costs from the General Fund and Highway Fund to fund salary increases and authorizes the transfer by financial order of available General Fund and Highway Fund balances as necessary. This law also specifies the costs from the General Fund and Highway Fund to fund the overtime payment settlements and authorizes the transfer by financial order of available General Fund and Highway Fund balances as necessary.

This law provides for the adjustment of certain salary schedules in fiscal year 2019-20 and in fiscal year 2020-21 consistent with ratified contracts. This law provides for similar and equitable treatment of confidential employees, probationary employees and other employees excluded from collective bargaining.

Public Law 2019, chapter 505 was enacted as an emergency measure effective June 28, 2019.

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SUBJECT INDEX

Collective Bargaining

Enacted

LD 1237	An Act To Simplify Municipal Collective Bargaining by Removing the 120-Day Notice Required Prior to Certain Negotiations	PUBLIC 240
LD 1412	An Act To Amend the Laws Governing the Collective Bargaining Rights of Employees of School Management and Leadership Centers	PUBLIC 460
LD 1451	An Act Providing Labor Unions with Reasonable Access to Current and Newly Hired Public Sector Workers	PUBLIC 389
LD 1459	An Act To Expand Application of the Maine Agricultural Marketing and Bargaining Act of 1973 to Harvesters and Haulers of Forest Products	PUBLIC 248
LD 1546	An Act To Protect State Employees When Their Contracts Have Expired	PUBLIC 393
LD 1845	An Act To Fund Collective Bargaining Agreements with Executive Branch Employees	PUBLIC 505 EMERGENCY

Not Enacted

LD 240	An Act To Allow Public Employers of Teachers to Negotiate Regarding Planning and Preparation Periods	Veto Sustained
LD 1041	An Act Regarding Collective Bargaining for Public Employees under the Municipal Public Employees Labor Relations Laws	ONTP
LD 1211	An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining	ONTP

Department of Labor

Enacted

LD 139	An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers	PUBLIC 66
LD 201	An Act To Protect Jobs in the State by Strengthening the Advance Notice Requirement for the Relocation or Closure of a Large Business	PUBLIC 118

Not Enacted

LD 140	An Act To Facilitate the Employment of Persons with Substance Use Disorder	ONTP
LD 168	Resolve, To Create a Universal Job Application System for Maine's Career Centers	ONTP
LD 734	Resolve, To Expedite the Processing of Applications for Certification under the Federal Work Opportunity Tac Credit	CARRIED OVER
LD 888	An Act To Provide Workplace Support to Individuals with Hearing Loss	ONTP

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Enacted

LD 75	An Act To Protect Earned Pay	PUBLIC 419
LD 369	An Act Authorizing Earned Employee Leave	PUBLIC 156
LD 1654	An Act To Create Veteran-friendly Workplaces	PUBLIC 350
LD 1664	An Act To Place Funds for the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program into a Trust	PUBLIC 280
LD 1674	An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program	PUBLIC 446

Not Enacted

LD 69	An Act To Provide Economic Security to Maine Families through the Creation of a Paid Family Medical Leave System	Leave to Withdraw Pursuant to Joint Rule 310
LD 415	An Act To Enhance the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program	ONTP
LD 462	An Act To Provide Paid Family Leave to Public School Employees	Leave to Withdraw Pursuant to Joint Rule 310
LD 883	An Act To Establish the Opt-in Maine Paid Family Leave Insurance Program	ONTP

LD 1214 **Resolve, To Conduct a Comprehensive Study of the Compensation System for State Employees** **CARRIED OVER**

LD 1239 **An Act To Mandate Paid Maternity and Parental Leave** **ONTP**

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

Employee Compensation

Enacted

LD 81 **An Act To Clarify Maine Law Regarding the Tips of Service Employees** **PUBLIC 10**

LD 278 **An Act Regarding Pay Equality** **PUBLIC 35**

LD 300 **An Act To Provide School Personnel Paid Hourly a Wage Pay Option** **PUBLIC 193**

LD 1524 **An Act To Prevent Wage Theft and Promote Employer Accountability** **PUBLIC 461**

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

Not Enacted

LD 220 **An Act To Improve Pay for Certain Maine Workers** **ONTP**

LD 243 **An Act To Create an Hourly Rate Compensation System for Loggers and Truckers** **ONTP**

LD 402 **An Act To Restore Overtime Protection for Maine Workers** **CARRIED OVER**

LD 480 **An Act To Ensure Pay Transparency and To Reduce Gender and Racial Wage Inequities** **ONTP**

LD 507 **An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee** **CARRIED OVER**

LD 584 **An Act To Convert Stipends to Base Pay for Child Protective Workers** **ONTP**

LD 919 **An Act To Establish a Minimum Mileage Reimbursement Rate for Traveling Sales Representatives** **Majority (ONTP) Report**

LD 1251 An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws ONTP

Employment Contracts/Agreements

Enacted

LD 733 An Act To Promote Keeping Workers in Maine PUBLIC 513

Not Enacted

LD 1250 An Act To Prohibit Sexual Harassment as a Subject Matter of Mandatory Arbitration in Employment Contracts CARRIED OVER

LD 1529 An Act Concerning Nondisclosure Agreements in Employment CARRIED OVER

Employment Practices

Enacted

LD 305 An Act To Protect Job Applicants from Identity Theft PUBLIC 47

Not Enacted

LD 122 An Act To Prohibit an Employer from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer Is Made ONTP

LD 123 An Act To Prohibit the State from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer Is Made ONTP

LD 857 An Act To Increase Accountability for Wage Violations CARRIED OVER

LD 1077 An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of the Federal Immigration Verification System Majority (ONTP) Report

LD 1112 An Act To Provide Employee Vaccination Compensation Leave to Withdraw Pursuant to Joint Rule 310

LD 1325 An Act To Allow Workplace Substance Use Testing for Fentanyl, Hydromorphone, Hydrocodone, Oxycodone and Oxymorphone Use at the Employer's Discretion ONTP

LD 1345 An Act To Ensure a Fair Workweek ONTP

LD 1605 An Act To Provide Fair Contracts in the Logging Industry ONTP

Housing

Not Enacted

LD 591 An Act To Create Flexibility in Affordable Housing Calculations ONTP

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

LD 1588 An Act To Create a Registration Process and Permits for Vacation Rentals ONTP

Labor Relations

Enacted

LD 317 An Act To Amend the Laws Governing Appointees to the Maine Labor Relations Board PUBLIC 184

LD 757 An Act To Improve Labor Laws for Maine Workers PUBLIC 135

LD 886 An Act To Protect Search and Rescue Volunteers Certified by the Maine Association for Search and Rescue from Adverse Employment Actions PUBLIC 329

LD 1319 An Act To Prohibit Employer Disciplinary Action against Firefighters and Emergency Medical Services Persons Responding to an Emergency PUBLIC 218

Not Enacted

LD 622 An Act To Improve Public Sector Labor Relations ONTP

LD 900 An Act To Expand the Rights of Public Employees under the Maine Labor Laws CARRIED OVER

LD 1177 An Act To Improve Public Sector Labor Relations Veto Sustained

Labor Unions

Not Enacted

LD 1232 An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment Majority (ONTP) Report

Landlord/Tenant

Not Enacted

LD 308	An Act To Authorize Municipalities To Increase Notification Time Periods for Rent Increases and Terminations of Tenancies at Will	Veto Sustained
LD 473	An Act To Allow Flexibility in Residential Rental Agreements	Majority (ONTP) Report
LD 522	An Act To Prohibit the Imposition by Municipalities of General Restrictions on Rents and Rental Properties	Majority (ONTP) Report

Minimum Wage

Not Enacted

LD 410	An Act To Eliminate the Subminimum Wage for Workers with Disabilities and Agricultural and Tipped Workers	INDEF PP
LD 425	An Act To Strengthen Small Businesses in Rural Maine by Changing the Minimum Wage	Majority (ONTP) Report
LD 612	An Act To Promote Youth Employment	Majority (ONTP) Report
LD 670	An Act To Increase the Minimum Wage for Large Employers	ONTP
LD 739	An Act To Help Small Businesses by Establishing an Alternate Minimum Wage	Majority (ONTP) Report
LD 808	An Act To Create a Youth Wage	Majority (ONTP) Report
LD 830	An Act To Balance Maine's Minimum Wage for Small and Large Employers	Majority (ONTP) Report
LD 1098	An Act To Help Small Employers by Making the Minimum Wage Increase More Gradual in Nonurban Areas	Majority (ONTP) Report

Miscellaneous

Enacted

LD 777	An Act To Establish the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations	PUBLIC 457
LD 1324	Resolve, To Establish the Committee To Study the Feasibility of Creating Basic Income Security	RESOLVE 82

Not Enacted

LD 567	An Act To Create a Universal Basic Income	Leave to Withdraw Pursuant to Joint Rule 310
LD 596	An Act To Prevent the Closure of Maine Businesses	ONTP
LD 1639	An Act To Require Comprehensive Responsible Contracting Practices for Public Construction Projects	CARRIED OVER
LD 1693	An Act To Enhance Enforcement of Employment Laws	CARRIED OVER

Occupational Safety

Enacted

LD 1017	Resolve, To Direct the Department of Labor To Develop a Framework for Encouraging Employers To Identify Safer Alternatives to Hazardous Chemicals	RESOLVE 47
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Prevailing Wage and Benefits

Not Enacted

LD 1386	An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects	HELD BY GOVERNOR
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Public Works Projects

Enacted

LD 1564	An Act To Authorize Project Labor Agreements for Public Work Projects	PUBLIC 278
LD 1658	An Act To Clarify the Definition of "Public Works"	PUBLIC 473

State Retirement System

Enacted

LD 1220	An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work	PUBLIC 436
LD 1395	An Act To Create Fairness for Dispatchers in the Maine Public Employees Retirement System	PUBLIC 364

LD 1400	An Act To Improve Recruitment and Retention in State Law Enforcement by Offering Retirement Service Credit	PUBLIC 459
LD 1480	An Act To Modify Retirement Plans for Fire Investigators and Sergeants	PUBLIC 482
LD 1620	An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes	PUBLIC 395
<u>Not Enacted</u>		
LD 467	An Act To Amend the Eligibility Criteria for Creditable Service in the Armed Forces of the United States under the State Retirement System	CARRIED OVER
LD 833	An Act To Provide the Same Retirement Benefits for State Employees Working as Emergency Communications Specialists as Are Provided to Law Enforcement Officers	HELD BY GOVERNOR
LD 1008	An Act To Include State Employee Stipends as Earnable Compensation	ONTP
LD 1104	An Act To Clarify the State's Commitments Concerning Certain Public Service Retirement Benefits	HELD BY GOVERNOR
LD 1184	An Act Regarding Penalties for Early Retirement for Certain Members of the Maine Public Employees Retirement System	CARRIED OVER
LD 1207	An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of Investigations within the Department of the Secretary of State, Bureau of Motor Vehicles	HELD BY GOVERNOR
LD 1208	An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General	HELD BY GOVERNOR
LD 1339	An Act To Recalculate Retirement Benefits for Certain State Employees Adversely Affected by Merit Pay Freezes	ONTP
LD 1354	An Act To Eliminate the Penalties for State and Teacher Retirees Who Return to Employment	ONTP
LD 1355	An Act To Expand the 1998 Special Retirement Plan To Include Civilian Employees Who Work for the Department of Public Safety Crime Lab and Computer Crimes Unit	ONTP
LD 1537	An Act To Increase the Portion of Retirement Benefits to Which the Cost-of-living Adjustment Applies	CARRIED OVER
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

LD 1842 **An Act Relating to the Computation of Benefits for Correctional Officers in the 1998 Special Retirement Plan** **CARRIED OVER**

Unemployment Compensation

Not Enacted

LD 1013 **An Act To Clarify the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana** **PUBLIC 125**

Not Enacted

LD 784 **An Act To Amend the Laws Governing Eligibility for Unemployment Benefits** **ONTP**

LD 1058 **An Act Concerning Liability for Direct Reimbursement of Unemployment Benefits** **Majority (ONTP) Report**

Workers' Compensation

Enacted

LD 756 **An Act To Improve the Maine Workers' Compensation Act of 1992** **PUBLIC 344**