

STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON
LABOR AND HOUSING**

November 2020

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

**SPECIAL NOTICE REGARDING
COVID-19 PANDEMIC**

As a result of the COVID-19 Pandemic, the Second Regular Session of the 129th Legislature adjourned on March 17, 2020, nearly a month prior to the statutory adjournment date of April 15, 2020. Before adjourning, the Legislature passed Joint Order, S.P. 788:

“ORDERED, the House concurring, that all matters not finally disposed of upon the adjournment sine die of the Second Regular Session of the 129th Legislature be carried over, in the same posture, to any special session of the 129th Legislature.”

The “matters not finally disposed of” were in many different postures upon adjournment. In this digest, at the end of each summary of a bill that was carried over by S.P. 788, there is an indication of the posture of the bill at the time of adjournment.

No special session has been held as of the publication of the Digest and none is anticipated, so all bills carried over are expected to die upon the conclusion of the 129th Legislature. However, after the Second Regular Session adjourned and in preparation for the possibility of a special session, a number of committees met and considered a number of bills in their possession. One hundred and sixty bills were acted upon in some way by committees (voted or reported out), among them several new bills that were printed and referred to committee, worked and reported out. **Appendix A** provides a list of the bills that were voted or reported out of committees after the Second Regular Session adjourned.

Joint Standing Committee on Labor and Housing

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

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

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

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

**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	OTP-AM ONTP	

Joint Standing Committee on Labor and Housing

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. 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.

Enacted Law Summary

Public Law 2019, chapter 537 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.

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

This bill 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

Joint Standing Committee on Labor and Housing

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

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	OTP-AM ONTP	

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

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 three days prior to the intended start of the strike.

Committee Amendment "A" (H-725)

This amendment, which is the majority report of the committee, clarifies which employees' duties include protecting public safety and are therefore prohibited from striking. It prohibits a public employer from permanently replacing an employee because that employee engaged in a strike. It clarifies that under certain circumstances an employer may require an employee to report to work during a strike, but allows the employee to file a grievance if the employee is required to work during a strike. It also specifies that judicial employees whose duties ensure an individual's procedural due process rights are not denied are prohibited from striking.

This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1104 An Act To Clarify the State's Commitments Concerning Certain Public Service Retirement Benefits PUBLIC 540

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

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

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.

Joint Standing Committee on Labor and Housing

Committee Amendment "A" (H-205)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 540 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.

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

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

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 6% of earned benefits for each year the person retires before attaining 62 years of age. Prior to that change, the penalty was 2.25% 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% 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.

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

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

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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**

PUBLIC 541

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

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

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.

Enacted Law Summary

Public Law 2019, chapter 541 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.

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

PUBLIC 542

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

This bill was passed to be enacted by the Legislature but then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

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.

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Enacted Law Summary

Public Law 2019, chapter 542 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.

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

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

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

ONTP

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

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

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.

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

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

LD 1359 An Act Regarding Local Workforce Development Boards CARRIED OVER

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

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

This bill 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 again carried over, still on the Special Appropriations Table, to any special session of the 129th

Joint Standing Committee on Labor and Housing

Legislature by joint order, S.P. 788.

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

PUBLIC 545

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

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

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)

This amendment is the majority report of the committee. 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.

Enacted Law Summary

Public Law 2019, chapter 545 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 and specifies 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 each year. It increases the penalties the director may assess against any person who fails to provide the information from \$250 for all offenses to \$250 for the first offense, \$500 for a second offense and \$1,000 for any subsequent offense. Lastly, it funds a position in the department necessary for the administration of requirements of this law.

Joint Standing Committee on Labor and Housing

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

CARRIED OVER

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

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

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

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

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

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

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

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

LD 1529 An Act Concerning Nondisclosure Agreements in Employment

CARRIED OVER

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

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

This bill prohibits employers from requiring agreements that prevent an employee or prospective employee from disclosing or discussing discrimination, including harassment, occurring between employees or between an employer and an employee.

The bill prohibits settlement agreements, unless requested by the employee, prospective employee or former employee, from including a provision that prevents the disclosure of factual information relating to a claim of

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discrimination, including harassment. Agreements may not explicitly or implicitly limit an individual's ability to provide testimony or evidence, file claims or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor.

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

Committee Amendment "A" (H-448)

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

This amendment replaces the bill. It prohibits an employer from requiring an employee, intern, applicant for employment or applicant for internship to enter into a contract with the employer that contains a nondisclosure agreement, nondisparagement agreement, waiver or other provision that prevents the employee, intern or applicant from disclosing or discussing discrimination, including harassment, occurring in the workplace or at work-related events coordinated by or through the employer.

It also prevents an employer from requiring an employee, intern, applicant for employment or applicant for internship to enter into a settlement, separation or severance agreement that includes a provision that prevents the disclosure of factual information relating to a claim of discrimination, including harassment, unless the employee, intern or applicant requests such a provision. Agreements may not explicitly or implicitly limit an individual's ability to provide testimony or evidence or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor, and any agreement must make it clear that an individual retains the right to provide testimony or evidence or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor.

It specifies that an individual must be given 21 days to consider any agreement containing nondisclosure provisions and be provided at least seven days following the execution of the agreement to revoke the agreement. The bill states that an agreement is not effective or enforceable until the revocation period has expired.

It requires that an employer retain a copy of any settlement, separation or severance agreement that prevents the disclosure of factual information relating to a claim of discrimination, including harassment, in the individual's personnel file for six years.

It prohibits an employer from retaliating against an individual who opposes any act or practice that is unlawful under these provisions or interfering with an individual in the exercise or enjoyment of the rights granted or protected by these provisions. It provides the Department of Labor with the duty to enforce these provisions.

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

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

Joint Standing Committee on Labor and Housing

LD 1537 An Act To Increase the Portion of Retirement Benefits to Which the Cost-of-living Adjustment Applies

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON T	OTP-AM ONTP	H-446

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

This bill increases the portion of retirement benefits of retired state employees, teachers and beneficiaries of either to which the cost-of-living adjustment applies from \$20,000 to \$30,000 effective July 1, 2020.

Committee Amendment "A" (H-446)

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

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

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

CARRIED OVER

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

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

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

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

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

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

CARRIED OVER

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

Joint Standing Committee on Labor and Housing

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

Part A

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

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

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

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

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

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

This part also clarifies that, for the purpose of the law requiring fair minimum rate of wages and benefits on public works contracts, "public works" includes any construction projects funded all or in part with state funds.

This part also amends the method of determining the prevailing wage and benefits rate paid in the construction industry to require the Department of Labor, Bureau of Labor Standards to ascertain the applicable wage and benefits rates established in collective bargaining agreements in private construction and includes in benefits wages paid to apprentices in apprenticeship programs registered with the department.

Part B

This part requires the Executive Director of the Workers' Compensation Board or the executive director's designee to immediately issue a stop-work order to an employer who fails to procure workers' compensation insurance coverage.

It also requires the executive director or the executive director's designee to issue a stop-work order to an employer if the executive director or the executive director's designee finds after a hearing that the employer knowingly misrepresented employees as independent contractors or provided false, incomplete or misleading information to an insurance company on the numbers of employees the employer has for the purpose of paying a lower payment.

Part C

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

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

Part D

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

Part E

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

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

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

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

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

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

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

LD 1693 An Act To Enhance Enforcement of Employment Laws CARRIED OVER

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

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

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

Under this bill:

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

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

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>
	OTP ONTP	

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

This bill was reported out by the Joint Standing Committee on Labor and Housing in the First Regular Session pursuant to Joint Order 2019, S.P. 584, and was 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 again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1874 An Act To Amend the Laws Governing the Subminimum Wage

PUBLIC 632

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAUR LIBBY N	OTP-AM ONTP	H-724

This bill eliminates current exemptions from the minimum wage law that allow the payment of wages at less than the minimum wage rate to certain individuals with disabilities.

Committee Amendment "A" (H-724)

This amendment, which is the majority report of the committee, removes the section of the bill that specifies that a special certificate issued pursuant to the Maine Revised Statutes, Title 26, section 666 is not valid; that provision is unnecessary because no employer in the State holds a special certificate to pay an employee with a disability a subminimum wage.

Enacted Law Summary

Public Law 2019, chapter 632 eliminates current exemptions from the minimum wage law that allow the payment of wages at less than the minimum wage rate to certain individuals with disabilities.

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LD 1909 An Act To Support Emergency Shelter Access for Persons Experiencing Homelessness in Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	H-680

This bill includes ongoing General Fund appropriations of \$3,000,000 per year to the Shelter Operating Subsidy program within the Maine State Housing Authority to support operations and capacity at low-barrier emergency homeless shelters across the State. This bill specifies that the funding is supplemental to the Maine State Housing Authority's emergency shelter and housing assistance program and is to be delivered outside of the funding formula set forth in the Maine State Housing Authority's rule under 99-346 C.M.R. Chapter 19, Homeless Solutions Rule.

Committee Amendment "A" (H-680)

This amendment expands the use of funds to support shelter operations at all emergency homeless shelters, not just low-barrier emergency shelters as proposed in the bill. It also allows the Maine State Housing Authority to allocate funds to shelters using the funding formula methodology for shelter operations from its Homeless Solutions Rule.

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

LD 1911 An Act To Amend the Unemployment Compensation Laws

**PUBLIC 585
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWSS	OTP-AM	S-388

This bill makes the following changes to the laws governing unemployment compensation.

1. Current law provides that, beginning January 1, 2022, benefits paid to an individual under the laws governing unemployment compensation must be charged against the experience rating record of the claimant's employers in a ratio inversely proportional to the claimant's employment beginning with the most recent employer. This bill strikes that language and instead restores the previous language governing the employer benefit charging model.
2. It provides that the experience rating record of the most recent subject employer may not be charged with benefits paid to a claimant whose work record with that employer totals five or fewer consecutive weeks.
3. It provides that, in the absence of an application for redetermination filed within 30 days after the mailing of notification of benefits paid and chargeable to the employer's experience rating, the notification is conclusive and binding. Under the bill, any request for reconsideration must be made under the laws governing appeals of determination or assessment.
4. It replaces references to the Unemployment Insurance Commission with references to the Division of Administrative Hearings to conform with changes made in Public Law 2017, chapter 284, Part AAAAA.

Committee Amendment "A" (S-388)

This amendment incorporates a fiscal note.

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Enacted Law Summary

Public Law 2019, chapter 585 makes the following changes to the laws governing unemployment compensation.

1. It restores language previously in law governing the employer benefit charging model.
2. It provides that the experience rating record of the most recent subject employer may not be charged with benefits paid to a claimant whose work record with that employer totals five or fewer consecutive weeks.
3. It provides that, in the absence of an application for redetermination filed within 30 days after the mailing of notification of benefits paid and chargeable to the employer's experience rating, the notification is conclusive and binding. It requires that any request for reconsideration must be made under the laws governing appeals of determination or assessment.
4. It replaces references to the Unemployment Insurance Commission with references to the Division of Administrative Hearings to conform with changes made in Public Law 2017, chapter 284, Part AAAAA.

Public Law 2019, chapter 585 was enacted as an emergency measure effective March 12, 2020.

LD 1912 An Act To Conform the Maine Apprenticeship Program to the Federal Equal Employment Opportunity Act of 1972 CARRIED OVER

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

This bill amends the information relating to a request for demographic data that an apprenticeship agreement under the Maine Apprenticeship Program must contain. The bill brings the program into compliance with federal Equal Employment Opportunity Act standards.

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

LD 1931 An Act To Require Background Investigations for Certain Individuals To Receive Federal Tax Information in Accordance with Federal Standards PUBLIC 644 EMERGENCY

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

This bill implements background investigations for certain individuals with a business need to receive federal tax information, in order to meet United States Internal Revenue Service standards.

Enacted Law Summary

Public Law 2019, chapter 644 implements background investigations for certain individuals with a business need to receive federal tax information, in order to meet United States Internal Revenue Service standards.

Public Law 2019, chapter 644 was enacted as an emergency measure effective March 18, 2020.

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LD 1949 An Act To Amend the Retirement Laws Pertaining to Certain Educational Technicians

CARRIED OVER

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

This bill provides an exception to mandatory membership in the State Employee and Teacher Retirement Program for employees filling certain educational technician positions who do not introduce new learning plans and supervise small groups of students in community-based programs and are therefore not required by statute to be certified.

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

LD 1956 Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions

CARRIED OVER

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

This resolve establishes the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, which is a 10-member commission directed to review data on housing shortages in the State for low-income and middle-income households, state laws that affect the local regulation of housing and efforts in other states and municipalities to address housing shortages and to consider measures that would encourage increased housing options in the State. The commission must, no later than November 4, 2020, submit a report, including suggested legislation, for presentation to the First Regular Session of the 130th Legislature.

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

LD 1959 An Act To Include within the Definition of "Public Employee" Those Who Have Been Employed Less than 6 Months

CARRIED OVER

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

This bill allows a person who has been an employee of the State or another public employer for less than six months to be considered a public employee for the purposes of the public employees labor relations laws.

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

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LD 1965 An Act To Set a Minimum Wage for School Support Staff

CARRIED OVER

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

This bill establishes a minimum wage of \$16.00 per hour for school support staff.

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

LD 1976 An Act To Help Retain School Bus Drivers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	ONTP	

This bill exempts a school bus driver who has been temporarily laid off from work search requirements in the unemployment compensation laws for up to six weeks if the driver's employer sets a definite recall date of not more than 12 weeks from the date of the temporary layoff.

**LD 1978 An Act To Improve the Disability Retirement Program of the Maine
Public Employees Retirement System**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D INGWERSEN H	OTP-AM ONTP	

This bill amends the laws relating to disability retirement under the Maine Public Employees Retirement System and makes other changes relating to the structure of the Maine Public Employees Retirement System.

This bill:

1. Repeals the laws providing for a medical board to review applications for disability retirement;
2. Provides that the system's hearing officers are not employees of the Board of Trustees of the Maine Public Employees Retirement System but independent contractors that serve as neutral and independent decision makers;
3. Modifies the definition of "disabled";
4. Provides that a member seeking disability retirement must obtain a residual functional capacity assessment from a health care provider. The bill defines "health care provider." The board may find that a member has a mental or physical disability and is eligible for disability retirement based on the information provided through the assessment. If the board is unable to determine whether the member is eligible for disability retirement based on the information provided through the assessment, the board must direct the member to have an independent medical examination by an independent health care provider. After an independent medical review, the board must refer the member's application to a disability specialist, who must, in consultation with the board, make a finding of disability

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based upon the totality of the evidence. A final decision of the board that the member is not disabled may be appealed by the member to a hearing officer. An adverse decision by the hearing officer may be appealed to the court, which must review the matter de novo;

5. Provides that, beginning with the first full month following the receipt of a residual functional capacity form that states a member is unable to perform essential functions of a job due to a disability that is expected to last at least 12 months, the member must be granted a preapproval benefit calculated at 50% of full disability retirement for six months or until a determination of disability is made entitling the member to full disability retirement, whichever comes first. This preapproval payment may be made upon a disability application only once within a five-year period;

6. Provides that, when reviewing medical evidence in making a determination of disability, the board, disability specialists and hearing officers must primarily consider medical opinions in the record and whether the opinions are supported by sound medical evidence and are consistent with other medical evidence in the record; and

7. Provides that, if a member has retained services of an attorney to represent the member before a hearing officer or in a court proceeding on appeal of a hearing officer's decision and the fee arrangement has been approved by the hearing officer or the court and the attorney obtains a favorable result for the member, the attorney's legal fees must be paid by the board up to a maximum of \$12,000. The attorney may have a contingency fee arrangement, in which case any payment from the board must be applied toward the satisfaction of the contingency fee.

Committee Amendment "A" (S-447)

This amendment replaces the bill and is the majority report of the committee.

The amendment makes changes consistent across retirement programs of the Maine Public Employees Retirement System; clarifies the decision-making process for disability retirement applications; eliminates expansion of the definition of "disability" and creation of a preapproval benefit to avoid creating an unfunded actuarial liability; specifies that independent medical examinations may take place at the health care provider's office or facility; and requires the retirement system to report to the joint standing committee of the Legislature having jurisdiction over retirement matters on the experience of the retirement system and its members under the changes. The amendment also requires formation of a stakeholder group to report to the joint standing committee of the Legislature having jurisdiction over retirement matters on implementing mandatory long-term disability insurance coverage.

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

LD 1986 An Act To Clarify the Law Protecting Job Applicants from Identity Theft

PUBLIC 567

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

Current law prohibits an employer from requesting the social security number of a prospective employee. This bill provides an exception to the prohibition when the employer is required to request the social security number by federal law.

Enacted Law Summary

Public Law 2019, chapter 567 creates an exception to the prohibition on requesting the social security number of a prospective employee by an employer by allowing an employer to request the social security number when that employer is required to request it by federal law.

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LD 2015 An Act To Provide for Leave from Work for Victims of Domestic Violence, Sexual Assault or Stalking

ONTP

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

This bill allows an employee to take reasonable leave from work, with or without pay, including by reducing the employee's usual number of hours per work day or workweek:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking;
2. To seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault or stalking or to attend to health care treatment for a victim who is the employee's family member;
3. To obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center or other social services program for relief from domestic violence, sexual assault or stalking;
4. To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or employee's family member was a victim; or
5. To participate in safety planning, temporarily or permanently relocate or take other actions to protect the employee or employee's family members from domestic violence, sexual assault or stalking.

LD 2019 An Act To Extend to Other Public Sector Employees the Same Protections Provided to State Employees upon the Expiration of Contracts

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N CARNEY A		

This bill provides the same protections to municipal, judicial and public higher education employees that are provided to state employees upon the expiration of labor contracts by requiring that, during an interim between the expiration of a public employee collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, those 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.

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

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**LD 2049 An Act To Amend the Laws Concerning the Retired County and
Municipal Law Enforcement Officers and Municipal Firefighters
Health Insurance Program**

CARRIED OVER

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

This bill amends language contained in Public Law 2019, chapter 446 governing contributions under the open enrollment provisions of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. Currently, the law requires a person hired on or after October 1, 2019, to enroll no later than five years after hire, conditioned on the enrollment and eligibility requirements of the applicable health plan; this bill removes that condition.

This bill also changes the percentage of gross wages for contributions from 1.5% to 3% for the first five years and from 3% to 1.5% for additional years. This bill removes the requirement of 60 months of contributions by enrollees. The bill also changes the State's payment of certain premium subsidies from payment to the plan to payment directly to enrollees. The amendments to the open enrollment provisions are retroactive to September 19, 2019, and the Department of Administrative and Financial Services, Office of Employee Health and Benefits is required to ensure correct contribution amounts for those who enrolled between September 19, 2019, and the effective date of this legislation.

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

LD 2087 An Act Relating to Fair Chance in Employment

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CLAXTON N		

This bill prohibits an employer from requesting criminal history record information on an initial employee application form, subject to certain exceptions. An employer may inquire about a prospective employee's criminal history record information during an interview or once the prospective employee has been determined otherwise qualified for the position. The bill prohibits an employer from stating on an initial employee application form or advertisement or otherwise asserting that a person with a criminal history may not apply or will not be considered for a position, subject to certain exceptions. The bill provides that if an employer inquires about a prospective employee's criminal history record information, the prospective employee, if still eligible for the position under applicable federal or state law, must be afforded an opportunity to explain the information and the circumstances regarding any convictions, including post-conviction rehabilitation.

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

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**LD 2090 An Act To Amend the Laws Governing Arbitration under Certain Public
Employees Labor Relations Laws**

CARRIED OVER

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

Under current law, arbitrations under labor relations laws governing municipal public employees, University of Maine System employees, state employees and judicial employees require that each party select one arbitrator and those two arbitrators select a neutral third arbitrator. This bill requires that the neutral third arbitrator be selected from a panel of arbitrators appointed by the Governor from a list of nominations supplied by the Maine Labor Relations Board. Under the bill, appointees to the panel of arbitrators serve as impartial arbitrators of the interests of the public in the settlement of disputes between employers and employees or their representatives, and each appointee must reside in the State. In addition, 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;
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;
4. 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;
5. Provides that, if a public employer fails to enter into an agreement to carry out and effectuate binding determinations made by arbitrators, the public employees are authorized to strike;
6. Requires that cost items in a collective bargaining agreement arrived at through arbitration may not be included in the state or local operating budget, as relevant, for the current fiscal year, but must instead be submitted for inclusion in the operating budget for the following fiscal year; and
7. Provides an effective date for the changes made in the bill of July 1, 2021.

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

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SUBJECT INDEX

Collective Bargaining

Not Enacted

LD 2019 **An Act To Extend to Other Public Sector Employees the Same Protections Provided to State Employees upon the Expiration of Contracts** **CARRIED OVER**

Department of Labor

Enacted

LD 1931 **An Act To Require Background Investigations for Certain Individuals To Receive Federal Tax Information in Accordance with Federal Standards** **PUBLIC 644
EMERGENCY**

Not Enacted

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

LD 1912 **An Act To Conform the Maine Apprenticeship Program to the Federal Equal Employment Opportunity Act of 1972** **CARRIED OVER**

Employee Benefits

Not Enacted

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

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

LD 1959 **An Act to Include within the Definition of “Public Employee” Those Who Have Been Employed Less than 6 Months** **CARRIED OVER**

LD 2015 **An Act To Provide for Leave from Work for Victims of Domestic Violence, Sexual Assault or Stalking** **ONTP**

LD 2049 **An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program** **CARRIED OVER**

Employee Compensation

Not Enacted

LD 402	An Act To Restore Overtime Protections for Maine Workers	CARRIED OVER
LD 507	An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee	CARRIED OVER

Employment Contracts/Agreements

Not Enacted

LD 1250	An Act To Prohibit Sexual Harassment as a Subject Matter of Mandatory Arbitration in Employment Contracts	ONTP
LD 1529	An Act Concerning Nondisclosure Agreements in Employment	CARRIED OVER

Employment Practices

Enacted

LD 1986	An Act To Clarify the Law Protecting Job Applicants from Identify Theft	PUBLIC 567
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Not Enacted

LD 857	An Act To Increase Accountability for Wage Violations	CARRIED OVER
LD 2087	An Act Relating to Fair Chance in Employment	CARRIED OVER

Housing

Not Enacted

LD 1572	An Act To Enact the Maine Fair Chance Housing Act	CARRIED OVER
LD 1956	Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions	CARRIED OVER

Labor Relations

Not Enacted

LD 900	An Act To Expand the Rights of Public Employees under the Maine Labor Laws	CARRIED OVER
LD 2090	An Act To Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws	CARRIED OVER

Minimum Wage

Enacted

LD 1874	An Act to Amend the Laws Governing the Subminimum Wage	PUBLIC 632
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Not Enacted

LD 1965	An Act to Set a Minimum Wage for School Support Staff	CARRIED OVER
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Miscellaneous

Not Enacted

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
LD 1909	An Act To Support Emergency Shelter Access for Persons Experiencing Homelessness in Maine	CARRIED OVER

Prevailing Wage and Benefits

Enacted

LD 1386	An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects	PUBLIC 545
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State Retirement System

Enacted

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	PUBLIC 537
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LD 1104	An Act To Clarify the State's Commitments Concerning Certain Public Service Retirement Benefits	PUBLIC 540
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	PUBLIC 541
LD 1208	An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General	PUBLIC 542

Not Enacted

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 1184	An Act Regarding Penalties for Early Retirement for Certain Members of the Maine Public Employees Retirement System	CARRIED OVER
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
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
LD 1949	An Act To Amend the Retirement Laws Pertaining to Certain Educational Technicians	CARRIED OVER
LD 1978	An Act to Improve the Disability Retirement Program of the Maine Public Employees Retirement System	CARRIED OVER

Unemployment Compensation

Enacted

LD 1911	An Act To Amend the Unemployment Compensation Laws	PUBLIC 585 EMERGENCY
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Not Enacted

LD 1976	An Act To Help Retain School Bus Drivers	ONTP
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Workforce Investment and Development

Not Enacted

LD 1359 An Act Regarding Local Workforce Development Boards

CARRIED OVER