

STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

October 2018

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Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 285 An Act To Provide Funding for the Maine Coworking Development Fund

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R CYRWAY S	OTP-AM ONTP	H-114

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides one-time funds to the Department of Economic and Community Development to support collaborative workspace businesses.

Committee Amendment "A" (H-114)

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

LD 367 An Act To Implement the Recommendations of the Government Oversight Committee To Develop a Long-range Strategic Plan for Economic Improvement in the State

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-493

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides additional clarity, requirements and resources for the Maine Economic Growth Council's efforts to fulfill its current statutory mandate to develop, monitor and maintain a long-range strategic economic improvement plan for the State. It also includes provisions to support the State's achievement of the goals and objectives in that plan by establishing requirements for the Governor, Legislature and agencies with relevant programs and activities to consider the long-range strategic economic improvement plan and provide information to the Maine Economic Growth Council at the request of the council. This bill would increase the annual General Fund appropriation to the Maine Economic Growth Council from its current \$55,000 to \$175,000 and would provide a one-time additional appropriation of \$150,000 for development of the initial plan in order to meet the timelines required in this bill.

Committee Amendment "A" (H-493)

This amendment makes the following changes to the bill.

1. It specifies that membership of the Maine Economic Growth Council must include members with expertise in both large and small business.
2. It adds educational and science and technology factors to the list of factors that must be addressed by the long-range strategic economic improvement plan.

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3. It adds a requirement that the Maine Economic Growth Council must consider the impact of tax policy, energy costs and regulation on competitiveness, the demographic composition of the State's workforce and the optimization of the return on investment in the State when developing the plan.
4. It adds a requirement that the plan include goals and objectives that support economic opportunity for all people in the State and that the plan include actions to accomplish plan benchmarks based upon the best practices in this State, other states and other countries.
5. It authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to submit to the Legislature any bill it considers necessary to improve the required elements of the strategic plan or the process through which it is developed, maintained or communicated.
6. It directs the Maine Economic Growth Council to develop by January 15, 2018 proposed review criteria suitable for use by the joint standing committees of the Legislature when the committees are considering legislative proposals that may affect the plan developed by the council. The Joint Standing Committee on Labor, Commerce, Research and Economic Development may report out a bill to the Second Regular Session of the 128th Legislature based on the report.

LD 503 An Act To Continue the Doctors for Maine's Future Scholarship Program

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R HYMANSON P	OTP-AM ONTP	S-31

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to make a one-time General Fund appropriation in fiscal year 2018-19 to the Finance Authority of Maine for the establishment of an endowment to continue the Doctors for Maine's Future Scholarship Program under the Maine Revised Statutes, Title 20-A, section 12103-A.

Committee Amendment "A" (S-31)

This amendment is the majority report of the committee. This amendment replaces the bill, which is a concept draft, and provides for a one-time General Fund appropriation of \$16,000,000 to establish an endowment to continue the Doctors for Maine's Future Scholarship Program under the Maine Revised Statutes, Title 20-A, section 12103-A.

The funding requested in this bill was partially provided in the First Regular Session in Part LLLLLLL of the Biennial Budget, Public Law 2017, chapter 284 (LD 390), which requires the State Controller to make one payment of \$400,000 by June 30, 2018 and a second payment of \$400,000 by June 30, 2019 from the General Fund unappropriated surplus to the Finance Authority of Maine to be deposited in the Doctors for Maine's Future Scholarship Fund. To offset the funds deposited in the Doctor's For Maine's Future Scholarship Fund, Part LLLLLLL requires that \$320,000 from the Board of Licensure in Medicine's Other Special Revenue Funds account and \$80,000 from the Board of Osteopathic Licensure's Other Special Revenue Funds account be transferred to the General Fund unappropriated surplus by June 30, 2018 and that a second set of identical transfers be made by June 30, 2019.

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**LD 656 An Act To Improve the Ability of Maine Companies To Manufacture
and Market Biobased Products**

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J TIPPING R	OTP-AM ONTP	S-43

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill provides a one-time appropriation to the Maine Technology Institute to provide competitive grants for the development, production and marketing of bioplastics.

Committee Amendment "A" (S-43)

This amendment is the majority report of the committee. It specifies that the grants are for the development, production and marketing of biobased products.

**LD 669 An Act To Address the Unmet Workforce Needs of Employers and To
Improve the Economic Future of Workers**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R PIERCE J	OTP-AM	S-399

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact a comprehensive package of proposals designed to address the unmet workforce needs of employers and to improve the economic future of workers. These proposals may include, but are not limited to, proposals to:

1. Identify workforce needs;
2. Connect businesses with trained workers;
3. Maximize the benefits of educational assessment funding by focusing the funds on the students;
4. Provide incentives for educational institutions receiving state training funds to place graduates into the employment or school of the graduates' choice;
5. Strengthen the ability of the Maine Quality Centers, established in the Maine Revised Statutes, Title 20-A, section 12725, to fulfill their mission of meeting the workforce education and training needs of new and expanding businesses in the State and providing new employment and career advancement opportunities for Maine people;
6. Design diverse programs to meet the needs of Maine employers;

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7. Prepare untrained workers to meet immediate and long-term needs;
8. Allow military training to count towards required training for certain certifications and licenses;
9. Establish a clearinghouse to connect workers with employers;
10. Identify educational programs necessary for specific types of employment and create a process to preemploy prospective workers while they are being trained;
11. Provide to people receiving public assistance the opportunity to permanently leave poverty behind by providing skills training that offers academic degrees, certifications or credentials and leads to employment with wages that can sustain families;
12. Establish workforce training programs targeted exclusively at individuals who are on public assistance or whose incomes meet certain criteria and provide transitional benefits including child care, health care, transportation supports and educational supports;
13. Align Maine's system of learning results with technical skills for current employment needs, support technical courses in high schools and integrate those courses with the high school curriculum and identify for middle school and secondary school students career paths that include alternatives that do not require college educations;
14. Identify barriers to the reentry by older citizens into the workforce;
15. Establish a program to identify and eliminate unfavorable tax policies with respect to retirement income and pensions and tax policies that discourage older citizens and retirees from returning to the workforce; and
16. Promote education to allow seniors to develop new skills.

Committee Amendment "A" (S-399)

This amendment strikes the bill, which is a concept draft, and replaces it with 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 family development account program under the Maine Revised Statutes, Title 10, chapter 110, subchapter 4-A and the allowable uses of such an account.
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.

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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 amendment also amends the law allowing a minor 16 or 17 years of age to 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, if the minor has graduated from the program, by adding a requirement that the minor has also graduated from high school.

LD 700 An Act To Give Flexibility to Employees and Employers for Temporary Layoffs

**PUBLIC 453
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W BELLOWS S	OTP-AM	H-749 S-456 VOLK A S-521 HAMPER J

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138. This bill was reported out of committee and then carried over on the Special Appropriations Table from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill creates an exemption from the eligibility requirements for unemployment benefits dealing with work search for an individual otherwise eligible for unemployment benefits when that individual has been temporarily laid off with a definite recall date of not more than 12 weeks from the date of the individual's temporary layoff.

Committee Amendment "A" (H-749)

This amendment strikes and replaces the bill. It creates an exemption from the eligibility requirements for unemployment benefits dealing with work search. Under this new exemption, an individual who has been temporarily laid off by an employer with a definite recall date and is otherwise eligible for unemployment benefits is exempt from the requirement to search for work while receiving benefits, as long as the individual remains in contact with and is able and available to work for that employer. This exemption may be used up to six weeks during an individual's unemployment benefit year, and may be used beyond six weeks subject to approval by the Department of Labor.

The amendment limits the area in which an individual must be able and available to work to a geographic area that is not more than 35 miles from the individual's residence, and it limits the reemployment services and eligibility assessment requirements to individuals who have not completed those requirements in the prior five years. It also adds an emergency preamble and clause and an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-456)

This amendment adds to the Committee Amendment a requirement that the Department of Labor report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2021, regarding the effects of the exemption created to allow a temporarily laid off employee to obtain benefits from the Unemployment Trust Fund without completing the work search requirements, including aggregate data regarding the employees and employers affected and the amount of benefits paid. The committee is authorized to report out a bill to the First Regular Session of the 130th Legislature related to the report.

Senate Amendment "B" To Committee Amendment "A" (S-521)

This amendment changes the allocation to fiscal year 2018-19.

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Enacted Law Summary

Public Law 2017, chapter 453 creates an exemption from the eligibility requirements for unemployment benefits dealing with work search. Under this new exemption, an individual who has been temporarily laid off by an employer with a definite recall date and is otherwise eligible for unemployment benefits is exempt from the requirement to search for work while receiving benefits, as long as the individual remains in contact with and is able and available to work for that employer. This exemption may be used up to six weeks during an individual's unemployment benefit year, and may be used beyond six weeks subject to approval by the Department of Labor.

This law also limits the area in which an individual must be able and available to work to a geographic area that is not more than 35 miles from the individual's primary residence, and it limits the reemployment services and eligibility assessment requirements to individuals who have not completed those requirements in the prior five years.

It requires the Department of Labor to report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2021 regarding the effects of the exemption that allows a temporarily laid off employee to obtain unemployment benefits without completing the work search requirements, including aggregate data regarding the employees and employers affected and the amount of benefits paid. The committee is authorized to report out a bill to the First Regular Session of the 130th Legislature related to the report.

Public Law 2017, chapter 453 was enacted as an emergency measure effective July 9, 2018.

LD 912 An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R BRAKEY E	OTP-AM OTP-AM OTP-AM ONTP	H-745 S-490 KATZ R

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138. The bill was reported out of committee during the Second Regular Session. On adjournment of the Second Regular Session, Committee Amendment "A" (H-745) had been adopted in the House and Committee Amendment "C" (H-747) had been adopted in the Senate in non-concurrence. The bill was then carried over from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to amend the current law to establish that practices or treatments that seek to change an individual's sexual orientation or gender identity are prohibited for certain professionals licensed under the Maine Revised Statutes, Title 32 and to establish penalties for that conduct.

Committee Amendment "A" (H-745)

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

1. It defines "conversion therapy" as any practice or treatment that seeks to change an individual's sexual orientation or gender identity, except for counseling or treatment intended to assist an individual undergoing a gender transition; counseling intended to provide acceptance, support and understanding to the individual; and counseling intended to facilitate the individual's coping, social support or identity exploration and development, including any therapeutic intervention such as talk therapy that is neutral with regard to sexual orientation, and that seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to

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change the individual's sexual orientation or gender identity.

2. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice, unless the action is performed by a member of clergy who is performing counseling services as part of religious duties in connection with a specific synagogue or church of any religious denomination and not in exchange for monetary compensation. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.

3. It prohibits certified school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants, and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license or certification, including but not limited to suspension or revocation of the license or certification.

4. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

5. It adds a statement of legislative findings and intent.

This amendment was adopted by both the House and the Senate.

Committee Amendment "C" (H-747)

This amendment is one of three minority reports of the committee and replaces the bill, which is a concept draft. This amendment does the following.

1. It defines conversion therapy as any aversive practice or treatment that seeks to change an individual's sexual orientation or gender identity and clarifies that talk therapy is not considered conversion therapy.

2. It defines aversive practice or treatment as any practice or treatment that is intended to induce changes in behavior through unpleasant stimuli or punishment and provides examples of aversive practices or treatments.

3. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.

4. It prohibits certified school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants, and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license or certification, including but not limited to suspension or revocation of the license or certification.

5. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

This amendment was originally adopted by the Senate, but the Senate later reconsidered that action and adopted the majority committee report (H-745).

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Committee Amendment "B" (H-746)

This amendment is one of three minority reports of the committee and replaces the bill, which is a concept draft. This amendment does the following.

1. It defines "conversion therapy" as any practice or treatment that seeks to change an individual's sexual orientation, gender identity or gender expression or to reduce or eliminate sexual or romantic attractions or feelings toward individuals of the same gender except for counseling or treatment intended to assist an individual undergoing a gender transition; counseling intended to provide acceptance, support and understanding to the individual; counseling intended to facilitate the individual's coping, social support or identity exploration and development, including any therapeutic intervention that is neutral with regard to sexual orientation and seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change the individual's sexual orientation or gender identity; and talk therapy that is intended to assist an individual who has expressed the individual's own goal of changing the individual's sexual orientation, gender identity or gender expression or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender.
2. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice unless the action is performed by a member of clergy who is performing counseling services as part of religious duties and in connection with a specific synagogue or church of any religious denomination or when the action is performed by a licensed or certified professional who is subject to professional discipline for engaging in conversion therapy.
3. It prohibits certified school psychologists and guidance counselors; nurses; doctors; physician assistants; psychologists; psychological examiners; alcohol and drug counselors and aides; social workers; pharmacists and pharmacy technicians; professional counselors; marriage and family therapists; pastoral counselors; speech-language pathologists and assistants; and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license or certification, including but not limited to suspension or revocation of the license or certification.
4. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

Senate Amendment "A" To Committee Amendment "A" (S-483)

This amendment specifies that the exemption from the Unfair Trade Practices Act for a priest, rabbi, member of the clergy or minister does not apply if that priest, rabbi, member of the clergy or minister receives monetary compensation in excess of the monetary compensation received as an employee of a specific synagogue or church.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-490)

This amendment clarifies that a school psychologist or guidance counselor who administers conversion therapy is subject to sanctions, which could include certificate revocation and suspension, and only for conduct that occurred within five years. The amendment specifies that the legislation does not apply to the activities of a priest, rabbi, member of the clergy or minister unless that person receives monetary compensation specifically for those activities. This amendment also removes from the legislative findings and intent section language regarding the United Nations Committee against Torture and Human Rights.

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LD 958 An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act

PUBLIC 396

Sponsor(s)

DION M

Committee Report

OTP-AM

Amendments Adopted

S-401

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to adopt a law based on the Uniform Emergency Volunteer Health Practitioners Act. In addition to any substantive changes to the uniform act recommended by the National Conference of Commissioners on Uniform State Laws that may be adopted by the Legislature, the basic numbering system, the mechanical structure and the internal organization of the uniform law will be altered to conform to the numbering, structure and organization of the Maine Revised Statutes.

Committee Amendment "A" (S-401)

This amendment strikes and replaces the bill, which is a concept draft, and adopts selected provisions of the Uniform Emergency Volunteer Health Practitioners Act. This amendment does the following.

1. It defines "volunteer health practitioner" as an individual who provides health services or veterinary services while an emergency declaration is in effect, whether or not the individual receives compensation, as long as the individual is not providing services in this State as part of a preexisting employment relationship. "Volunteer health practitioner" also includes individuals who are not state residents who provide health services or veterinary services in this State while employed by a disaster relief organization.
2. It provides for advanced registration of volunteer health practitioners from this State or other states who agree to provide health services or veterinary services during a civil emergency or health emergency in this State declared by the Governor or the Department of Health and Human Services. Registration systems must determine whether registrants are licensed to provide health services or veterinary services and are in good standing with the relevant licensing entities in this State and other states.
3. It authorizes volunteer health practitioners licensed in other states to provide health services and veterinary services in this State during a declared civil emergency or public health emergency. While an emergency declaration is in effect, the Department of Health and Human Services, in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, may limit the duration and geographical areas in which a volunteer health practitioner may practice as well as types of volunteer health practitioners who are authorized to provide health services or veterinary services.
4. It requires a volunteer health practitioner to comply with both the scope of practice laws in this State and the scope of practice laws in the state where the individual is licensed while providing health services or veterinary services in this State during a declared emergency. The Governor or the Governor's designee may by order modify or restrict the health services or veterinary services that a volunteer health practitioner may provide during a declared emergency.
5. It subjects a volunteer health practitioner to discipline by the appropriate state licensing board for health services or veterinary services provided in this State during a declared emergency. An individual who is licensed in Maine and who provides health services or veterinary services during a declared emergency in another state as a volunteer health practitioner is also subject to discipline by the appropriate state licensing board.
6. It protects a volunteer health practitioner from civil liability for injury or death arising out of the provision of

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health services or veterinary services in accordance with the requirements of the uniform act to the same extent that a health care practitioner in this State is protected from civil liability for volunteer activities under the Maine Health Security Act.

7. It authorizes the Department of Health and Human Services to adopt rules to implement the uniform act in consultation with the Maine Emergency Management Agency and rule-making agencies in other states that have adopted similar legislation.

Enacted Law Summary

Public Law 2017, chapter 396 adopts and modifies selected provisions of the Uniform Emergency Volunteer Health Practitioners Act. Specifically, Public Law 2017, chapter 396:

1. Defines "volunteer health practitioner" as an individual who provides health services or veterinary services while an emergency declaration is in effect, whether or not the individual receives compensation, as long as the individual is not providing services in this State as part of a preexisting employment relationship. "Volunteer health practitioner" also includes individuals who are not state residents who provide health services or veterinary services in this State while employed by a disaster relief organization.

2. Provides for advanced registration of volunteer health practitioners from this State or other states who agree to provide health services or veterinary services during a civil emergency or health emergency in this State declared by the Governor or the Department of Health and Human Services. Registration systems must determine whether registrants are licensed to provide health services or veterinary services and are in good standing with the relevant licensing entities in this State and other states.

3. Authorizes volunteer health practitioners licensed in other states to provide health services and veterinary services in this State during a declared civil emergency or public health emergency. While an emergency declaration is in effect, the Department of Health and Human Services, in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, may limit the duration and geographical areas in which a volunteer health practitioner may practice as well as types of volunteer health practitioners who are authorized to provide health services or veterinary services.

4. Requires a volunteer health practitioner to comply with both the scope of practice laws in this State and the scope of practice laws in the state where the individual is licensed while providing health services or veterinary services in this State during a declared emergency. The Governor or the Governor's designee may by order modify or restrict the health services or veterinary services that a volunteer health practitioner may provide during a declared emergency.

5. Subjects a volunteer health practitioner to discipline by the appropriate state licensing board for health services or veterinary services provided in this State during a declared emergency. An individual who is licensed in Maine and who provides health services or veterinary services during a declared emergency in another state as a volunteer health practitioner is also subject to discipline by the appropriate state licensing board.

6. Protects a volunteer health practitioner from civil liability for injury or death arising out of the provision of health services or veterinary services in accordance with the requirements of the uniform act to the same extent that a health care practitioner in this State is protected from civil liability for volunteer activities under the Maine Health Security Act.

7. Authorizes the Department of Health and Human Services to adopt rules to implement the uniform act in consultation with the Maine Emergency Management Agency and rule-making agencies in other states that have adopted similar legislation.

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LD 1006 An Act Regarding Housing Insecurity of Older Citizens

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM ONTP	H-210

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to establish a statewide commission to study housing insecurity in the context of aging in place. The commission created under this bill would be tasked with exploring:

1. The long-term implications associated with the State's aging population;
2. The status of available affordable housing options in the State;
3. The availability of weatherization and repair programs that would allow older individuals to remain in their homes;
4. Various models of affordable and appropriate housing opportunities for older citizens that are in place in other states; and
5. The establishment of a statewide program facilitating the building for older persons of small accessory dwelling units that are located on the same grounds as, or attached to, a primary residence belonging to a family member of the older person.

Committee Amendment "A" (H-210)

This amendment, which is the majority report of the committee, replaces the bill, which is a concept draft. This amendment establishes the Advisory Council on Senior Housing to study the unmet need for affordable housing units for elderly residents of the State as well as the financial burden of home modifications and repairs necessary to enable the State's elderly residents to remain in their homes. The council is directed to make recommendations to the director of the Maine State Housing Authority for the development by January 1, 2023 of a strategic housing plan enabling elderly residents of the State to live in affordable, safe housing as they age. The director is directed to report to the joint standing committee of the Legislature having jurisdiction over housing matters on the development or implementation of the strategic housing plan by March 15th of the first regular session of each Legislature. The amendment also adds an appropriations and allocations section.

LD 1244 An Act To Support Small Manufacturers in the State

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A		

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This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to enact measures to support small manufacturers in the State.

LD 1280 An Act To Require Drug Manufacturers To Comply with Federal Law

PUBLIC 434

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-153
GATTINE D	ONTP	S-297 JACKSON T S-309 JACKSON T

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill amends the Maine Pharmacy Act to require that a drug distributed in this State must be made available for sale in this State to an "eligible product developer," which is defined as a person seeking to develop an application for the approval of the drug under the Federal Food, Drug, and Cosmetic Act or the licensing of a biological product under the federal Public Health Service Act. It establishes disciplinary actions for noncompliance and further authorizes the Attorney General to bring an action for injunctive relief to enforce the bill's requirements.

Committee Amendment "A" (S-153)

This amendment, which is the majority report of the committee, clarifies that the bill's requirement that a drug distributed in this State be made available for sale to an eligible product developer applies only to manufacturers and wholesalers of drugs licensed in this State under the Maine Pharmacy Act. The sale must be made at the fair market price and the licensed manufacturer or wholesaler may not impose any restriction on the sale that would block or delay the eligible product developer's application in a manner inconsistent with Section 505-1(f)(8) of the Federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 355-1(f)(8) (2016).

The amendment further provides that if the Attorney General prevails in an enforcement action, the court must order the defendant to reimburse the State for the costs of prosecuting the action, including reasonable attorney's fees.

Senate Amendment "C" To Committee Amendment "A" (S-299)

This amendment requires a drug manufacturer or wholesaler to make a drug available for sale at a price no greater than the wholesale acquisition cost rather than at the fair market price as provided in Committee Amendment "A" and adds an intent section.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-297)

The bill, as amended by Committee Amendment "A," requires that a drug distributed in this State be made available for sale to an eligible product developer by a manufacturer or wholesaler of drugs licensed in this State under the Maine Pharmacy Act. This amendment provides that a manufacturer or wholesaler is not liable for injuries alleged to have been caused by the failure to include adequate safety warnings on a product's label or by a defect in the product's design if that product was not manufactured or sold by that manufacturer or wholesaler.

Senate Amendment "A" To Committee Amendment "A" (S-295)

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This amendment amends Committee Amendment "A" to authorize the Attorney General to accept private funds, including, but not limited to, funds from corporations, private foundations and individuals, to defend the constitutionality of the requirements placed on manufacturers and wholesalers in the bill, as amended.

This amendment was not adopted.

Senate Amendment "D" To Committee Amendment "A" (S-309)

This amendment requires a drug manufacturer or wholesaler to make a drug available for sale to an eligible product developer at a price no greater than the wholesale acquisition cost rather than at the fair market price as provided in Committee Amendment "A" and limits the price charged to customers for a drug manufactured by the eligible product developer to no more than that wholesale acquisition cost. This amendment also adds an intent section.

Enacted Law Summary

Public Law 2017, chapter 434 requires that drug manufacturers and wholesalers licensed in this State under the Maine Pharmacy Act make a drug that is distributed in this State available for sale in this State to a person, known as an "eligible product developer," that seeks to develop an application for the approval of a drug under the Federal Food, Drug, and Cosmetic Act or the licensing of a biological product under the federal Public Health Service Act. The licensed drug manufacturer or wholesaler must make the drug available at a price no greater than the wholesale acquisition cost and without any restriction that would block or delay the eligible product developer's application for federal approval in a manner that is inconsistent with the Federal Food, Drug, and Cosmetic Act.

An eligible product developer who purchases a drug from a licensed drug manufacturer or wholesaler at a price no greater than the wholesale acquisition cost for that drug in accordance with this Act must sell the drug manufactured by that eligible product developer to consumers in this state at an equal or lesser price.

A licensed drug manufacturer or wholesaler who makes products distributed in this State available to an eligible product developer as required by this Act is not liable for injuries alleged to have been caused by the failure to include adequate safety warnings on a product's label or by a defect in the product's design if that product was not manufactured or sold by that manufacturer or wholesaler.

Entities licensed under the Maine Pharmacy Act that fail to comply with the requirements of this Act are subject both to administrative discipline and to suits for injunctive relief brought by the Attorney General. If the Attorney General prevails in an enforcement action, the court must order the defendant to reimburse the State for the costs of prosecuting the action, including reasonable attorney's fees.

LD 1308 **Resolve, To Expedite the Processing of Applications for Certification under the Work Opportunity Tax Credit**

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R WOODSOME D	OTP-AM ONTP	H-118

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement programs to facilitate the transition of persons from rehabilitation for drug or

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alcohol addiction or economic dependency to self-sufficiency by providing employment opportunities while allowing their employers to reduce their tax liability.

This bill would create a program, modeled on the federal Work Opportunity Tax Credit program operated by the United States Department of Labor, to encourage employers to hire from certain population segments, such as MaineCare and Medicare recipients, veterans, persons in the Temporary Assistance for Needy Families program or receiving general assistance, persons convicted of a crime who have been released from prison, persons recently out of residential treatment or detoxification for substance use disorder or who recently began medication-assisted treatment and disadvantaged teens. The incentives would consist of tax credits based on the wages paid to qualified persons and financial assistance for training costs.

Committee Amendment "A" (H-118)

This amendment is the majority report of the committee. It replaces the bill, which is a concept draft, with a resolve that 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. The amendment also requires the Department of Labor to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with information concerning applications submitted by employers in 2017, including information on the extent of any backlog in application processing, by February 1, 2018. The amendment adds an appropriations and allocations section.

LD 1327 An Act To Expedite Health Care Employment for Military Veterans

PUBLIC 326

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B THIBODEAU M	OTP-AM	H-581

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill allows a former United States Army medic, United States Air Force medical technician, United States Navy corpsman or United States Coast Guard health services technician to perform medical services that reflect the person's medical training and experience under the supervision of a person licensed by the Board of Osteopathic Licensure, Board of Licensure in Medicine or Board of Licensure of Podiatric Medicine or under the supervision of a health care facility that is itself supervised by a licensee. The medical services must be delegated to the person by the supervising licensee and set forth in a medical practice agreement approved by the relevant board.

Committee Amendment "A" (H-581)

This amendment strikes and replaces the bill. The amendment establishes the Health Care Employment for Military Veterans Program within the Department of Labor and charges the program with creating a "military-to-civilian crosswalk" that compares the military training and experience obtained by individuals who have served in specific military health care occupational specialties and the education and experience required to obtain national certification or state licensure or certification in equivalent or similar civilian health care occupations. The program is also charged with providing direct assistance to eligible veterans who seek to enroll in postsecondary education institutions and obtain academic credit for their military training and experience as well as eligible veterans who seek to secure an apprenticeship or employment in a health care occupation in the State. The department is required to operate the program using existing resources or available grant funding and, to the extent resources are limited, the program is required to give priority to eligible veterans who were discharged or released from military service no longer than two years prior to seeking assistance.

Enacted Law Summary

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Public Law 2017, chapter 326 establishes the Health Care Employment for Military Veterans Program within the Department of Labor and charges the program with creating a "military-to-civilian crosswalk" that compares the military training and experience obtained by individuals who have served in specific military health care occupational specialties and the education and experience required to obtain national certification or state licensure or certification in equivalent or similar civilian health care occupations. The program is also charged with providing direct assistance to eligible veterans who seek to enroll in postsecondary education institutions and obtain academic credit for their military training and experience as well as eligible veterans who seek to secure an apprenticeship or employment in a health care occupation in the State. The department is required to operate the program using existing resources or available grant funding and, to the extent resources are limited, the program is required to give priority to eligible veterans who were discharged or released from military service no longer than two years prior to seeking assistance.

**LD 1343 An Act To Promote Downtown Revitalization by Creating the Locating
Businesses Downtown Loan Program**

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J FECTEAU R	OTP-AM ONTP	S-152

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill establishes the Locating Businesses Downtown Loan Program within the Communities for Maine's Future Program to provide forgivable loans for businesses seeking to initially locate or to relocate in a downtown area, village area or along a main street within the State. Applications for loans under the program are evaluated by the Department of Economic and Community Development in conjunction with a loan review panel. Successful applicants must execute a loan agreement prepared by the department specifying the terms and conditions of the loan, including the length of time that a business must remain in the downtown area, village area or along a main street within the State for the loan to be forgiven.

Committee Amendment "A" (S-152)

This amendment is the majority report of the committee. It changes the appointing authority for one member of the Locating Businesses Downtown Loan Review Panel established by the bill. Instead of one representative from a statewide organization that advocates for economic development that preserves the quality of life in local communities being jointly appointed by the President of the Senate and the Speaker of the House, this panel member is appointed by the Maine Development Foundation.

LD 1542 An Act To Support Lead Abatement in Older Residential Properties

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N	OTP-AM	H-628

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature. The bill was then reported out of committee in the Second Regular Session and carried over to the Second Special Session on the Special Appropriations Table by joint order S.P. 748.

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The bill establishes a residential housing lead abatement program, administered by the Maine State Housing Authority. The purpose of the program is to provide grants to municipalities that have administered a lead abatement program in the past five years for use on housing units and housing projects that meet specified eligibility standards. Priority for lead abatement projects funded by the program is given to residences occupied by children who have tested positive for lead poisoning. The program is funded by a real estate transfer tax surtax of \$0.30 per \$500 of the value of property transferred by deed or property in which a controlling interest is transferred.

Committee Amendment "A" (H-628)

This amendment removes the restrictions in the bill regarding which municipalities are eligible to receive grants from the Lead Abatement Fund and decreases the portion of the abatement costs that the owner of housing that receives lead abatement assistance must pay. The amendment also changes the funding for the lead abatement program, eliminating the provision of the bill that increases the real estate transfer tax and instead making a one-time allocation of \$4,000,000 from the Fund for a Healthy Maine.

The content of this bill, as amended, was incorporated by the Appropriations and Financial Affairs Committee in its amendment to LD 925, which was enacted as Public Law 2017, chapter 460.

LD 1566 An Act To Enact the Maine Fair Chance Employment Act

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VOLK A	OTP-AM ONTP	H-705 H-750 TALBOT ROSS R

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out of committee and then carried over on the Special Appropriations Table from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill enacts the Maine Fair Chance Employment Act and adds restrictions to the use of criminal history information in the context of employment decisions by private employers and the State and its political subdivisions and of licensing decisions by licensing agencies.

It prohibits an employer from asking an applicant for employment to disclose information concerning the applicant's criminal history, or considering such information, until after the applicant has received a conditional offer of employment. It restricts the way a private employer, or the State and its political subdivisions, may use criminal history information in the course of making employment decisions and adds similar restrictions to the existing restrictions applicable to licensing agencies' consideration of criminal history information. It also makes certain criminal history information in the possession of the State and its political subdivisions confidential and makes all criminal background check information obtained by the State in connection with an employment decision confidential.

The Maine Human Rights Commission is charged with enforcement of the Maine Fair Chance Employment Act and may seek civil penalties against a private employer for a violation of \$1,000 for the first violation and \$2,000 for each subsequent violation.

The bill also creates a private right of action that may be brought by an affected individual against a private employer that has violated the Maine Fair Chance Employment Act and, upon prevailing, the affected individual is entitled to such legal or equitable relief as the court may determine appropriate and reasonable attorney's fees and costs.

Committee Amendment "A" (H-705)

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This amendment is the majority report of the committee. It strikes and replaces the bill with requirements regarding the inquiry into and consideration of the criminal history information of job applicants by public employers, including the following.

1. It prohibits a public employer from requesting criminal history information on an initial employment application form, except when a federal or state law prohibits persons with certain criminal histories from holding the position.
2. It allows a public employer to request criminal history information during an interview or after the prospective employee has been determined otherwise qualified for the position.
3. It prohibits a public employer from considering certain categories of criminal history information, unless specifically required by federal or state law.
4. It requires a public employer who denies an employment applicant a position solely or in part based on the applicant's criminal history information to provide the applicant written information on the basis for the denial and any available process for contesting the denial.
5. It requires a public employer to maintain statistical information regarding the public employer's use of criminal background checks, including the number of denials of applicants based on those criminal background checks. These records are public records subject to Maine's Freedom of Access Act.
6. It designates as confidential any information pertaining to an employment applicant's criminal history information that was obtained by a public employer in conjunction with the hiring process and prohibits disclosure of such information by the public employer except as otherwise specifically required by law.

The amendment also includes an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-750)

This amendment applies the requirements in the committee amendment only to state government employers. It removes school administrative units, municipalities, counties and other political subdivisions of the State from the requirements in the committee amendment. The amendment also reduces the appropriation in the committee amendment to reflect a revised cost estimate.

LD 1587 **Resolve, To Study the Feasibility of the Establishment of Paid Family Leave in the State**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM ONTP	H-699

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill creates a paid family medical leave program. The qualifying conditions for the program are patterned after the unpaid family medical leave program in current law but are extended to allow leave for the serious health condition of a half-sibling, step-sibling, parent-in-law, brother-in-law, sister-in-law and for the death or serious health condition of such relative while on active duty with the military.

The program requires employers that employ 15 or more employees to deduct contributions from employee paychecks, which must be no more than 0.5% of the employee's wages, and for the employers to submit contributions to the Department of Labor, Bureau of Unemployment Compensation, which is charged with administering the program. Smaller employers may opt in to the program, in one year intervals (or up to three year

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intervals, depending on rulemaking). Self-employed persons may opt in to the program for at least two years (or up to four years, depending on rulemaking) and must pay their contributions directly to the bureau.

In order to be eligible for benefits, an individual must be an employee entitled to benefits under the unemployment compensation system, or a self-employed person, and have contributed to the program for 12 of the last 18 months. 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 available for unemployment benefits.

The bill directs the Department of Labor to develop an implementation plan dealing with staffing, technology, start-up expense, rulemaking and scheduling to begin the program on its effective date of October 1, 2019. The bill also repeals the current unpaid family medical leave law effective October 1, 2019.

Committee Amendment "A" (H-699)

This amendment is the majority report of the committee. It strikes the bill and replaces it with a resolve that directs the University of Maine System to carry out a study to examine costs and benefits of implementing a paid family leave program in the State, if funding resources are available to enable the University of Maine System to conduct such a study, and to submit a report of its findings to the joint standing committee of the Legislature having jurisdiction over labor matters. The committee is authorized to report out a bill based on the report to the First Regular Session of the 129th Legislature.

**LD 1654 An Act To Protect Economic Competitiveness in Maine by Extending the
End Date for Pine Tree Development Zone Benefits and Making Other
Changes to the Program**

PUBLIC 440

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T FREDETTE K	OTP-AM	S-472

This bill extends by five years the end date for Pine Tree Development Zone certification and benefits.

Committee Amendment "A" (S-472)

This amendment strikes the bill and changes the title. It amends the Pine Tree Development Zone program as follows.

1. It extends the end date for Pine Tree Development Zone certification and benefits by three years, instead of five years as proposed in the bill.
2. It requires the Pine Tree Development Zone program to be evaluated in accordance with existing tax expenditure review provisions in the Maine Revised Statutes, Title 3, chapter 37 and specifies the public policy objective of the program that should be used for evaluation as well as performance measures to be considered for that objective. It also requires the Office of Program Evaluation and Government Accountability to submit a report of its evaluation of the program by January 15, 2021 and authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to report out a bill to the First Regular Session of the 130th Legislature in response to the report's recommendations.
3. It amends the reporting requirements of qualified Pine Tree Development Zone businesses, the Commissioner of Economic and Community Development and the State Tax Assessor by requiring the annual reports to contain additional specific categories of information and changing the date those reports are due.
4. For businesses applying to the program on or after January 1, 2019, it requires a qualified Pine Tree Development Zone business to obtain certification from the Commissioner of Economic and Community

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Development that the business has added at least one new qualified employee before being eligible for a sales tax exemption with respect to sales of tangible personal property and the transmission and distribution of electricity.

5. For businesses applying to the program on or after January 1, 2019, it provides for sales tax reimbursements to a qualified Pine Tree Development Zone business with respect to sales taxes paid for tangible personal property and the transmission and distribution of electricity for the period of time between the time the business became a qualified Pine Tree Development Zone business and the time the business received a sales tax exemption certificate and limits this benefit to a period of two years.

6. It directs the Department of Economic and Community Development to study whether the income levels currently required for qualified Pine Tree Development Zone employees should be amended in order to more effectually describe high-quality jobs and whether the geographical limitations of the program should be amended in light of the public policy objectives of the program and to submit a report of its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over economic development matters.

7. It requires a signed and notarized statement from a business applying for certification as a qualified Pine Tree Development Zone business that the establishment or expansion of operations within the Pine Tree Development Zone would not occur within the State absent the availability of the Pine Tree Development Zone benefits.

This amendment also includes an appropriation to allow the Department of Economic and Community Development to update tax incentive software to meet the reporting requirements specified in the amendment.

Enacted Law Summary

Public Law 2017, chapter 440 makes changes to the Pine Tree Development Zone program as follows.

1. It extends the end date for Pine Tree Development Zone certification and benefits by three years, instead of five years as proposed in the bill.
2. It requires the Pine Tree Development Zone program to be evaluated in accordance with existing tax expenditure review provisions in the Maine Revised Statutes, Title 3, chapter 37 and specifies the public policy objective of the program that should be used for evaluation as well as performance measures to be considered for that objective. It also requires the Office of Program Evaluation and Government Accountability to submit a report of its evaluation of the program by January 15, 2021 and authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to report out a bill to the First Regular Session of the 130th Legislature in response to the report's recommendations.
3. It amends the reporting requirements of qualified Pine Tree Development Zone businesses, the Commissioner of Economic and Community Development and the State Tax Assessor by requiring the annual reports to contain additional specific categories of information and changing the date those reports are due.
4. For businesses applying to the program on or after January 1, 2019, it requires a qualified Pine Tree Development Zone business to obtain certification from the Commissioner of Economic and Community Development that the business has added at least one new qualified employee before being eligible for a sales tax exemption with respect to sales of tangible personal property and the transmission and distribution of electricity.
5. For businesses applying to the program on or after January 1, 2019, it provides for sales tax reimbursements to a qualified Pine Tree Development Zone business with respect to sales taxes paid for tangible personal property and the transmission and distribution of electricity for the period of time between the time the business became a qualified Pine Tree Development Zone business and the time the business received a sales tax exemption certificate and limits this benefit to a period of two years.

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6. It directs the Department of Economic and Community Development to study whether the income levels currently required for qualified Pine Tree Development Zone employees should be amended in order to more effectually describe high-quality jobs and whether the geographical limitations of the program should be amended in light of the public policy objectives of the program and to submit a report of its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over economic development matters.

7. It requires a signed and notarized statement from a business applying for certification as a qualified Pine Tree Development Zone business that the establishment or expansion of operations within the Pine Tree Development Zone would not occur within the State absent the availability of the Pine Tree Development Zone benefits.

This law also includes an appropriation to allow the Department of Economic and Community Development to update tax incentive software to meet the reporting requirements specified in the amendment.

LD 1718 An Act To Empower Maine's Rural Economy and Workforce

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208 that proposes to empower Maine's rural economy and workforce.

LD 1757 An Act To Protect Maine's Economy by Slowing the Rate at Which the State's Minimum Wage Will Increase and Establishing a Training and Youth Wage

Died Between Houses

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

This bill affects the minimum wage by:

1. Reducing the minimum wage from \$10 per hour to \$9.50 per hour beginning June 1, 2018;
2. Reducing the amount by which the minimum hourly wage rates are scheduled to increase annually on January 1st from 2019 to 2021 from \$1 per year to 50 cents per year, and decreasing from \$12 to \$11 the minimum hourly wage rate required to be paid in 2021;
3. Eliminating the cost-of-living adjustment to the minimum wage; and
4. Establishing a training minimum wage for employees 18 years of age or older and under 20 years of age for the first 90 days of employment and a youth minimum wage for employees under 18 years of age.

Committee Amendment "A" (H-666)

This amendment is the minority report of the committee. It strikes and replaces the bill. It amends the minimum wage law by keeping the current minimum wage of \$10 per hour until January 1, 2020, when the minimum hourly wage rate is increased to \$10.50. On January 1st from 2021 to 2023 the minimum hourly wage rate is increased 50¢ per year, ending in a \$12 minimum hourly wage rate in 2023. Beginning January 1, 2024, the minimum hourly wage rate is increased by any increase in the annual cost of living, as is scheduled in current law for 2021.

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The amendment also establishes a special minimum wage applicable to unemancipated minors under 18 years of age for the first 200 work hours of employment. This wage must be at least the minimum wage required by the federal Fair Labor Standards Act or 80% of the generally applicable minimum wage under state law, whichever is greater.

Senate Amendment "A" To Committee Amendment "A" (S-428)

This amendment changes the timing for minimum wage increases by starting with \$10.50 per hour on January 1, 2019 and increasing it by 50¢ per hour each year until it reaches \$12.00 per hour on January 1, 2022. Starting January 1, 2023 and annually thereafter the minimum wage is increased by any increase in the cost of living as measured by the federal Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W. The amendment also strikes from Committee Amendment "A" the provisions that establish a special minimum wage applicable to unemancipated minors under 18 years of age for the first 200 work hours of employment. The amendment also removes the emergency preamble and emergency clause.

LD 1768 An Act To Reduce Impairment on the Job and Improve Workplace Safety by Amending the Laws Governing Employment Practices Concerning Substance Use Testing ONTP

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

This bill makes changes to the laws governing employment practices concerning substance abuse testing, including the following.

1. It replaces the phrases "substance abuse test" and "substance abuse testing" with "substance use test" and "substance use testing" to reflect current usage.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It narrows the definition of "employee" and provides that a full-time employee is an employee who works at least 36 hours a week.
4. It authorizes an employer that has employees subject to a federally mandated substance use testing program to extend federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must prepare a substance use testing plan for employees who are not federally regulated, provide a copy of the plan to the employees and the Department of Labor before testing, follow federal notification and procedural protocols for such employees and annually report the results of testing to the department.
5. It streamlines the current substance use testing policy approval by requiring the Department of Labor to develop a uniform impairment and substance use testing policy applicable to all employers. Employers must certify their adoption of the policy and be approved by the Department of Labor prior to conducting substance use testing.
6. It removes the "probable cause" standard and replaces it with an "impairment detection" standard required before the employer may conduct substance use testing. For employers authorized to conduct substance use testing, only an employer or employee approved for impairment detection by the Department of Labor or a licensed physician or nurse may make an impairment detection. This detection may be based on a single work-related accident, unlike the "probable cause" standard under current law. The employer may immediately remove the employee from the workplace pending resolution of the impairment detection.
7. It adds an "impairment determination" process that may be used as an alternative or in addition to a substance

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use test. Under this process, an occupational health care provider conducts a medical review in order to confirm the impairment detection, which may include a substance use test that includes testing for prescription drugs. If the impairment is confirmed, the employer may take employment action including firing or disciplining the employee, subject to any limitations under the Maine Human Rights Act and any other state or federal law. If the occupational health care provider finds that the employee was not impaired or that such impairment did not pose a safety risk, the employee is entitled to full reinstatement to the employee's position.

8. It adds a violation of an established drug-free workplace policy as grounds for employment action and provides for a treatment period of 12 weeks at the employee's expense.

9. It eliminates the requirement that, prior to establishing a substance use testing program, an employer with over 20 full-time employees have a functioning employee assistance program and instead authorizes employers to have an employee assistance program.

10. It expands the number of establishments that may undertake companywide random substance use testing by authorizing such testing for companies with 10 or more employees instead of with 50 or more employees, as is the current standard.

11. It provides that a confirmed positive substance use test may be reported to the employee only by a medical review officer and allows an employee to provide a legitimate medical explanation for a positive test result for legally obtained medications, preventing the medical review officer from reporting a positive test for that substance to the employer.

12. It allows testing laboratories to use federal testing standards.

13. It adds a new civil violation for any employer noncompliance with the substance use testing laws, for which a fine of not more than \$500 for the first violation, \$750 for the second violation and \$1,000 for the third and subsequent violations may be adjudged.

LD 1769 An Act To Conform the Laws Regarding a Salaried Employee Who Is Exempt from Overtime and Minimum Wage Requirements to Federal Law Died Between Houses

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

This bill amends the description of a salaried employee for the laws governing limits on mandatory overtime and the definition of "employee" in the laws governing minimum wages to conform with the federal guidelines established by the United States Department of Labor under the federal Fair Labor Standards Act. It sets the minimum salary at the threshold established by the United States Department of Labor under that Act. It eliminates the requirement that the salary threshold be tied to the state minimum wage.

Committee Amendment "A" (S-404)

This amendment is the minority report of the committee. It strikes and replaces the bill, amending the description of a salaried employee in the laws governing exemptions to limits on mandatory overtime and the definition of "employee" in the laws governing exemptions to the minimum wage by eliminating any increase to the salary threshold due to the cost-of-living adjustment to the minimum wage after January 1, 2020.

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LD 1770 An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM OTP-AM	S-473 S-485 VOLK A S-532 VOLK A

This bill was reported out of committee and then carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

This bill changes the laws governing how benefits paid to an eligible individual under the Employment Security Law are charged against the experience rating record of the individual's previous employers. It changes the employer chargeability from "a ratio inversely proportional" to the claimant's most recent employer, as enacted by the biennial budget, to an "inverse chronological order" standard, and delays the effective date of this change to January 1, 2020. Until January 1, 2020, the experience rating record of the most recent subject employer may not be charged with benefits paid to an eligible individual whose work record with that employer totaled five consecutive weeks or less, as was the law in effect prior to the biennial budget.

The bill also provides that certain decisions made by the Commissioner of Labor are subject to review by the Department of Labor, Division of Administrative Hearings, rather than by the Maine Unemployment Insurance Commission.

Committee Amendment "A" (S-473)

This amendment which is the majority report of the committee, adds several provisions to the bill to make the following changes to the Employment Security Law.

1. It requires the Department of Labor to fill vacancies for six different position types for which funding is provided.
2. It requires the Department of Labor to provide options to an Internet-based system for the filing of claims for unemployment benefits, including the filing of work search documentation, and for obtaining information. The options must include filing by telephone, using a telephone system that allows a claimant to leave a message or request a return telephone call. The individual making a claim for unemployment benefits may choose which option to use.
3. It requires the Department of Labor to maintain a claimant service response telephone system that allows a claimant to leave a message or request a return telephone call in order to enable the department to promptly receive and promptly respond to claimant inquiries. If a claimant timely contacts the claimant service response telephone system, the department must consider that contact when determining if the claimant had good cause for not complying with the requirements to file a timely claim for benefits, register for work and actively search for work, file work search documentation or participate in reemployment services and eligibility assessment.
4. It clarifies that only the most recent employer from which the claimant's employment separation occurred may contest whether a disqualification may be applied to the claimant for reasons related to the separation.

The amendment also directs the Department of Labor to provide until January 1, 2019 an opportunity for all unemployment insurance claimants denied benefits for failure to file a timely claim for benefits or work search documentation in any week during the period from December 1, 2017 until July 1, 2018 to apply for those benefits and provides that the Department of Labor must grant good cause for failure to file a timely claim for benefits or

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work search documentation for those weeks if the claimant asserts that the claimant's inability to use the department's Internet-based filing system was the basis for the claimant's failure to file.

In 2009, Maine received a \$28,200,000 distribution to the Unemployment Trust Fund under the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5, 123 Stat. 115 (2009), which may be used to maintain the State's unemployment and public employment system or to pay regular unemployment benefits. There is \$27,503,000 remaining from this distribution. The amendment authorizes the use of \$895,156 of those funds to meet the allocation required in the amendment. The funds will be used to maintain and operate the State's unemployment and employment programs, including paying the administrative costs required to administer the unemployment insurance program and delivering employment assistance services through the Department of Labor's career center system. The intent of the authorization of funds is to provide the Department of Labor with funding necessary to implement the provisions of this amendment.

Committee Amendment "B" (S-474)

This amendment is the minority report of the committee. It adds to the bill a requirement that the Department of Labor provide an alternative method to an Internet-based system for filing of unemployment claims and work search documentation and obtaining information. The alternative must include a method such as a telephone system or in person.

Senate Amendment "A" To Committee Amendment "A" (S-485)

This amendment removes the requirement in Committee Amendment "A" that the telephone system maintained by the Department of Labor allow a claimant to leave a message or request a return telephone call. It also removes a provision in Committee Amendment "A" that authorizes an allocation of funds in the Unemployment Trust Fund.

Senate Amendment "B" To Committee Amendment "A" (S-532)

This amendment removes the emergency preamble and emergency clause. The amendment also incorporates the provisions of Senate Amendment "A" to Committee Amendment "A."

LD 1772 **Resolve, Directing the Attorney General To Update the Portions of the Consumer Law Guide Pertaining to Implied Warranties**

**RESOLVE 42
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G ESPLING E	OTP-AM ONTP	S-374

This bill is a concept draft pursuant to Joint Rule 208 that proposes to establish a study commission to examine the State's implied warranty laws and the arbitration process for those laws.

Committee Amendment "A" (S-374)

This amendment is the majority report of the committee. The amendment replaces the bill, which is a concept draft, with a resolve directing the Attorney General to review and update the Attorney General's Consumer Law Guide as it pertains to implied warranties on consumer goods other than motor vehicles by July 1, 2018.

Enacted Law Summary

Resolve 2017, chapter 42 directs the Attorney General to review and update the Attorney General's Consumer Law Guide as it pertains to implied warranties on consumer goods other than motor vehicles by July 1, 2018. At a minimum, the update must clarify the scope of a consumer's responsibility to follow the operation and maintenance guidelines in the user manual of a consumer good and the effect of a failure to follow those guidelines on the availability of relief under the State's implied warranty laws.

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Resolve 2017, chapter 42 was finally passed as an emergency measure effective April 5, 2018.

LD 1787 An Act To Provide for the 2018 and 2019 Allocations of the State Ceiling on Private Activity Bonds

**P & S 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R	OTP-AM	S-375

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2018 and 2019 among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-375)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2017, chapter 12 establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2018 and 2019 among the state-level issuers of tax-exempt bonds.

Private and Special Law 2017, chapter 12 was enacted as an emergency measure effective March 23, 2018.

LD 1825 An Act To Implement the Recommendations of the Board of Dental Practice

PUBLIC 388

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-669

This bill was reported by the committee pursuant to Public Law 2015, chapter 429, section 25 and then referred back to the committee for processing in the normal course. The bill contains the recommendations of the Board of Dental Practice for amending the laws governing the scopes of practice of dental practitioners, dental practice settings, dental services delivery models and other aspects of dental practice. The bill makes the following changes to the Dental Practice Act.

1. It eliminates the charitable dentist and clinical dentist educator license categories.
2. It authorizes a student enrolled in a board-approved dental radiography program to practice under the supervision of the student's instructors without first obtaining a license from the Board of Dental Practice.
3. It eliminates the requirement that dental or denturist student externs register with the Board of Dental Practice.
4. It creates a new denturist trainee registration category for individuals who have completed the educational requirements for licensure as a denturist but who wish to practice under the supervision of a dentist or a denturist prior to obtaining a denturist license.
5. It authorizes independent practice dental hygienists to supervise dental radiographers.
6. It streamlines the scope of practice provisions for expanded function dental assistants and dental hygienists by clarifying that these licensees may perform the activities that a dentist may delegate to a supervised unlicensed individual.

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7. It authorizes dental hygienists and faculty dental hygienists to apply sealants under the general supervision of a dentist without requiring that a dentist first make the determination and diagnosis as to the surfaces on which the sealants should be applied.

8. It makes technical changes and removes antiquated language.

Committee Amendment "A" (H-669)

This amendment authorizes a student enrolled in a dental assisting program to practice under the supervision of the student's instructors without first obtaining a license from the Board of Dental Practice. The amendment also removes an unnecessary definition and clarifies that the crime of unlawful practice applies when a person employs an unlicensed person to provide services for which any type of license is required by the Dental Practice Act.

The bill eliminates the charitable dentist license and clinical dentist educator license categories. The amendment clarifies that a charitable dentist license and a clinical dentist educator license issued by the Board of Dental Practice and in effect on the effective date of this legislation remain in effect until the date of expiration specified in the license.

Enacted Law Summary

Public Law 2017, chapter 388 makes the following changes to the Dental Practice Act.

1. It eliminates the charitable dentist and clinical dentist educator license categories but provides that a charitable dentist license and a clinical dentist educator license issued by the Board of Dental Practice and in effect on the effective date of this legislation remain in effect until the date of expiration specified in the license.
2. It clarifies that the crime of unlawful practice applies when a person employs an unlicensed person to provide services for which any type of license is required by the Dental Practice Act.
3. It authorizes a student enrolled in a dental assisting program or a board-approved dental radiography program to practice under the supervision of the student's instructors without first obtaining a license from the Board of Dental Practice.
4. It eliminates the requirement that dental or denturist student externs register with the Board of Dental Practice.
5. It creates a new denturist trainee registration category for individuals who have completed the educational requirements for licensure as a denturist but who wish to practice under the supervision of a dentist or a denturist prior to obtaining a denturist license.
6. It authorizes independent practice dental hygienists to supervise dental radiographers.
7. It streamlines the scope of practice provisions for expanded function dental assistants and dental hygienists by clarifying that these licensees may perform the activities that a dentist may delegate to a supervised unlicensed individual.
8. It authorizes dental hygienists and faculty dental hygienists to apply sealants under the general supervision of a dentist without requiring that a dentist first make the determination and diagnosis as to the surfaces on which the sealants should be applied.
9. It makes technical changes and removes antiquated language.

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LD 1826 An Act To Repeal the Sunset Date on the Laws Governing Licensure of Appraisal Management Companies

**PUBLIC 351
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to the Maine Revised Statutes, Title 32, section 14049-K, subsection 2. The bill repeals the March 15, 2018 sunset provision in the laws governing the licensure of appraisal management companies in the Maine Revised Statutes, Title 32, chapter 124-A.

Enacted Law Summary

Public Law 2017, chapter 351 attempted to repeal the March 15, 2018 sunset provision in the laws governing the licensure of appraisal management companies in the Maine Revised Statutes, Title 32, chapter 124-A.

Public Law 2017, chapter 351 was enacted as an emergency measure effective April 1, 2018, but the laws governing the licensure of appraisal management companies in the Maine Revised Statutes, Title 32, chapter 124-A had already been automatically repealed on March 15, 2018. Re-enactment of Title 32, chapter 124-A was ultimately effectuated through a floor amendment to the errors bill (LD 1894), which was enacted in the Second Special Session of the 128th Legislature as Public Law 2017, chapter 475.

LD 1856 An Act Regarding Permits for Burial of Cremated Remains

**PUBLIC 363
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

JACKSON T

OTP

Current law requires a person in charge of a public burying ground or, if no such person exists, an official of the municipality where the public burying ground is located, to endorse and provide the date cremated remains were buried on the permit for burial of cremated remains and return the permit to the State Registrar of Vital Statistics or the clerk of the municipality in which the public burying ground is located. It also requires the funeral director or authorized person to present a copy of each permit, after endorsement, to the State Registrar of Vital Statistics or the clerk of the municipality where the death occurred and to the clerk who issued the permit. This bill makes these required actions voluntary.

Enacted Law Summary

Public Law 2017, chapter 363 makes the permit process for the burial of cremated remains in a public burying ground optional instead of required.

Public Law 2017, chapter 363 was enacted as an emergency measure effective April 4, 2018.

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LD 1857 An Act To Address Maine's Nursing Shortage by Creating an Veto Sustained
Apprenticeship Pathway for Licensure of Health Care-trained Veterans
and Expanding Access to Nursing Education

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-718

This bill was reported by the committee pursuant to Resolve 2017, chapter 27 and then referred back to committee for processing in the normal course. The amended bill was reported out of committee in the Second Regular Session of the 128th Legislature and placed on the Special Appropriations Table. The bill was then carried over on the Special Appropriations Table from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill implements a recommendation of the Commission To Streamline Veterans' Licensing and Certification regarding licensure of military medics and corpsmen as licensed practical nurses. This bill allows a person who served on active duty in the medical corps of any branch of the Armed Forces of the United States, has completed the basic course of instruction in nursing required by the branch of the Armed Forces of the United States in which the applicant served and was honorably discharged is eligible to take the examination for licensure as a licensed practical nurse.

Committee Amendment "A" (H-718)

The bill authorizes a person with specific military training and experience to take the examination for licensure as a licensed practical nurse. This amendment requires such a person to complete a practical nursing preparation program approved by the State Board of Nursing and designed specifically for applicants with military training and experience prior to taking the licensing examination. The program may include a combination of apprenticeship and traditional educational experiences. The board is directed to adopt provisional, major substantive rules establishing the requirements for approval of the program by March 1, 2019 and is directed to invite the participation of stakeholders in the rule-making process.

The amendment also implements a recommendation of the Task Force on Maine's 21st Century Economy and Workforce by providing \$650,000 in ongoing funding to support the hiring of additional nursing faculty and the acquisition of equipment and instructional space to expand nursing classes at Southern Maine Community College, Central Maine Community College and Eastern Maine Community College as well as \$200,000 in one-time funding to support the acquisition of a nursing simulator at Northern Maine Community College.

After the Governor's veto of the amended version of LD 1857 was sustained, the Governor submitted LD 1917, containing language identical to the original text of LD 1857, to the Second Special Session.

LD 1879 An Act To Enhance and Increase the Availability of Mental Health Died On
Providers in Maine Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J MILLETT R	OTP-AM	H-759

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over to the Second Special Session on the Special Appropriations Table by joint order S.P. 748.

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This bill establishes and provides funding for the Maine Mental Health Providers Loan Repayment Program to be administered by the Finance Authority of Maine. Under the program, mental health providers may have portions of their student loans repaid annually for up to five years, as long as the participants meet certain criteria, including agreeing to practice in an underserved practice area for at least five years after acceptance into the program.

Committee Amendment "A" (H-759)

The bill establishes the Maine Mental Health Providers Loan Repayment Program, which allows certain types of licensed social workers and professional counselors to apply for loan repayment assistance, as long as the applicants agree to practice for five years in one of a list of underserved practice areas in the State. This amendment expands the pool of providers eligible to apply for the program to include all social workers licensed by the State Board of Social Worker Licensure and all counselors licensed by the Board of Counseling Professionals Licensure and expands the categories of underserved practice areas to include federally qualified health centers, community-based behavioral health centers and organizations exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(6).

The amendment further clarifies that the program is funded through a one-time appropriation of \$1,000,000, rather than an ongoing appropriation as in the bill.

The amendment also repeals the currently unfunded Social Work Education Loan Repayment Program in the Maine Revised Statutes.

LD 1880 An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITE D CUSHING A		

This bill was not referred to committee.

This bill was carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

This bill prohibits a person 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.

LD 1887 An Act To Create Fairness in Maine's Unemployment Insurance System by Increasing the Amount Paid in Unemployment Tax by Certain Employers Accepted Majority (ONTP) Report

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

This bill was reported out of committee and then carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

This bill amends the laws governing employer contributions for unemployment compensation to impose an additional shared cost assessment tax on employers in contribution categories 19 and 20, increasing the percentage

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of unemployment tax paid by those employers. Beginning January 1, 2019, an employer in category 19 is assessed an additional unemployment tax of 15% of that employer's taxable payroll and an employer in category 20 is assessed an additional unemployment tax of 20% of that employer's taxable payroll. Adding this shared cost assessment provides benefit costs beyond the normal experience rating process to the Unemployment Compensation Fund.

Committee Amendment "A" (H-742)

This amendment directs the Department of Labor to convene a working group to study tax fairness in the State's unemployment compensation system with a particular focus on employers with negative reserve balances and to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by April 1, 2019. It allows the committee to report out a bill based on the recommendations of the working group to the First Regular Session of the 129th Legislature.

LD 1892 An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists

**PUBLIC 417
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S WOODSOME D	OTP-AM ONTP	H-744

This bill clarifies that a pharmacist may prescribe and dispense naloxone hydrochloride to an individual of any age who is at risk of experiencing an opioid-related drug overdose; who is a member of the immediate family of, or a friend of, an individual at risk of experiencing an opioid-related drug overdose; or who is in a position to assist an individual at risk of experiencing an opioid-related drug overdose.

Committee Amendment "A" (H-744)

This amendment is the majority report of the committee. It clarifies that a pharmacist must follow protocols adopted by the Maine Board of Pharmacy when that pharmacist prescribes and dispenses naloxone hydrochloride to an individual of any age who is at risk of experiencing an opioid-related drug overdose; who is a member of the immediate family of, or a friend of, an individual at risk of experiencing an opioid-related drug overdose; or who is in a position to assist an individual at risk of experiencing an opioid-related drug overdose.

In addition, this amendment makes technical changes so as to conform with the effect of Public Law 2017, chapter 364. (Public Law 2017, chapter 364 derived from LD 565, a bill that was referred to the Joint Standing Committee on Health and Human Services.)

Enacted Law Summary

Public Law 2017, chapter 417 authorizes a pharmacist to prescribe and dispense naloxone hydrochloride, in accordance with protocols adopted by the Maine Board of Pharmacy, to an individual of any age who is at risk of experiencing an opioid-related drug overdose; who is a member of the immediate family of, or a friend of, an individual at risk of experiencing an opioid-related drug overdose; or who is in a position to assist an individual at risk of experiencing an opioid-related drug overdose.

Public Law 2017, chapter 417 was enacted as an emergency measure effective May 2, 2018.

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LD 1893 An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of a Federal Immigration Verification System INDEF PP

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

This bill was not referred to committee.

This bill was carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

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

LD 1905 An Act To Allow Minors To Work in a Family Business without Obtaining a Work Permit INDEF PP

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

This bill was not referred to committee.

This bill was carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

This bill allows children who are authorized to work for their parents under state and federal law to do so without filing for or obtaining a work permit with or from the Department of Labor.

LD 1913 An Act To Slow the Rate at Which the State's Minimum Wage Increases and To Eliminate Cost-of-living Increases to the Minimum Wage Died On Adjournment

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

This bill was not referred to committee.

This bill:

1. Slows the rate at which the State's minimum wage increases by starting with \$10.50 per hour on January 1, 2020 and increasing it by 50¢ per hour each year until it reaches \$12.00 per hour on January 1, 2023; and
2. Eliminates the requirement that the minimum wage increase each year by the percentage increase in the cost of living.

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**LD 1917 An Act To Employ Veterans in Health Care To Meet Workforce Needs
and Provide Funding to the Community College System To Support the
Training of Nursing Students**

PUBLIC 476

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J		S-544 VOLK A

This bill was not referred to committee.

The bill, the text of which is identical to LD 1857, implements a recommendation of the Commission To Streamline Veterans' Licensing and Certification regarding licensure of military medics and corpsmen as licensed practical nurses. The bill allows a person who served on active duty in the medical corps of any branch of the Armed Forces of the United States, was completed the basic course of instruction in nursing required by the branch of the Armed Forces of the United States in which the applicant served and was honorably discharged is eligible to take the examination for licensure as a licensed practical nurse.

Senate Amendment "A" (S-544)

The amendment implements a recommendation of the Task Force on Maine's 21st Century Economy and Workforce by providing \$650,000 in ongoing funding to support the hiring of additional nursing faculty and the acquisition of equipment and instructional space to expand nursing classes at Southern Maine Community College, Central Maine Community College and Eastern Maine Community College as well as \$200,000 in one-time funding to support the acquisition of a nursing simulator at Northern Maine Community College.

Enacted Law Summary

Public Law 2017, chapter 476 permits a person who served on active duty in the medical corps of any branch of the Armed Forces of the United States, completed the basic course of instruction in nursing required by the branch of the Armed Forces of the United States in which the applicant served and was honorably discharged to obtain licensure as a licensed practical nurse without completing an additional board-approved nursing education program as long as the person passes the applicable licensing examination.

Public Law 2017, chapter 476 also provides \$650,000 in ongoing funding to support the hiring of additional nursing faculty and the acquisition of equipment and instructional space to expand nursing classes at Southern Maine Community College, Central Maine Community College and Eastern Maine Community College as well as \$200,000 in one-time funding to support the acquisition of a nursing simulator at Northern Maine Community College.

**LD 1927 An Act To Restore the Integrity of the Unemployment Compensation
System**

**Died On
Adjournment**

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

This bill was not referred out to committee.

The bill reverses the changes to the eligibility requirements for unemployment benefits made by Public Law 2017, chapter 453, "An Act To Give Flexibility to Employees and Employers for Temporary Layoffs." It repeals a requirement that the Department of Labor examine the effect of Public Law 2017, chapter 453 on the State's account

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in the federal Unemployment Trust Fund and report to the joint standing committee of the Legislature having jurisdiction over labor matters. It also deallocates one-time funds that were allocated pursuant to Public Law 2017, chapter 453.

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Enacted

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EMERGENCY

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Not Enacted

LD 1905 An Act To Allow Minors To Work in a Family Business without Obtaining a Work Permit INDEF PP

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LD 1772 Resolve, Directing the Attorney General To Update the Portions of the Consumer Law Guide Pertaining to Implied Warranties RESOLVE 42
EMERGENCY

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Enacted

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LD 1787 An Act To Provide for the 2018 and 2019 Allocations of the State Ceiling on Private Activity Bonds P & S 12
EMERGENCY

Not Enacted

LD 285 An Act To Provide Funding for the Maine Coworking Development Fund Died On
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LD 367 An Act To Implement the Recommendations of the Government Oversight Committee To Develop a Long-range Strategic Plan for Economic Improvement in the State Died On
Adjournment

LD 1244 An Act To Support Small Manufacturers in the State Leave to Withdraw
Pursuant to Joint
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LD 1343 An Act To Promote Downtown Revitalization by Creating the Locating Businesses Downtown Loan Program Died On
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Not Enacted

LD 1587 Resolve, To Study the Feasibility of the Establishment of Paid Family Leave in the State Veto Sustained

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Not Enacted

LD 1566	An Act To Enact the Maine Fair Chance Employment Act	Veto Sustained
LD 1768	An Act To Reduce Impairment on the Job and Improve Workplace Safety by Amending the Laws Governing Employment Practices Concerning Substance Use Testing	ONTP
LD 1893	An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of a Federal Immigration Verification System	INDEF PP

Housing

Not Enacted

LD 1006	An Act Regarding Housing Insecurity of Older Citizens	Died On Adjournment
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Not Enacted

LD 1542	An Act To Support Lead Abatement in Older Residential Properties	Died On Adjournment
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Labor Relations

Not Enacted

LD 1880	An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment	INDEF PP
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Enacted

LD 958	An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act	PUBLIC 396
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LD 1917	An Act To Employ Veterans in Health Care To Meet Workforce Needs and Provide Funding to the Community College System To Support the Training of Nursing Students	PUBLIC 476

Not Enacted

LD 912	An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy	Veto Sustained
LD 1857	An Act To Address Maine's Nursing Shortage by Creating an Apprenticeship Pathway for Licensure of Health Care-trained Veterans and Expanding Access to Nursing Education	Veto Sustained

Research and Development

Not Enacted

LD 656	An Act To Improve the Ability of Maine Companies To Manufacture and Market Biobased Products	Died On Adjournment
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Unemployment Compensation

Enacted

LD 700	An Act To Give Flexibility to Employees and Employers for Temporary Layoffs	PUBLIC 453 EMERGENCY
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Not Enacted

LD 1770	An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation	Veto Sustained
LD 1887	An Act To Create Fairness in Maine's Unemployment Insurance System by Increasing the Amount Paid in Unemployment Tax by Certain Employers	Majority (ONTP) Report
LD 1927	An Act To Restore the Integrity of the Unemployment Compensation System	Died On Adjournment

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Not Enacted

LD 1757	An Act To Protect Maine's Economy by Slowing the Rate at Which the State's Minimum Wage Will Increase and Establishing a Training and Youth Wage	Died Between Houses
LD 1769	An Act To Conform the Laws Regarding a Salaried Employee Who Is Exempt from Overtime and Minimum Wage Requirements to Federal Law	Died Between Houses
LD 1913	An Act To Slow the Rate at Which the State's Minimum Wage Increases and To Eliminate Cost-of-living Increases to the Minimum Wage	Died On Adjournment

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Not Enacted

LD 669	An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers	Veto Sustained
LD 1308	Resolve, To Expedite the Processing of Applications for Certification under the Work Opportunity Tax Credit	Died On Adjournment
LD 1718	An Act To Empower Maine's Rural Economy and Workforce	ONTP
LD 1879	An Act To Enhance and Increase the Availability of Mental Health Providers in Maine	Died On Adjournment

Workforce Investment

Not Enacted

LD 503	An Act To Continue the Doctors for Maine's Future Scholarship Program	Died On Adjournment
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