

STATE OF MAINE
130TH LEGISLATURE
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON
LABOR AND HOUSING**

July 2022

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STAFF:

STEVEN LANGLIN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee chair for portion of session

**Committee member for portion of session

Joint Standing Committee on Labor and Housing

SUBJECT INDEX

Collective Bargaining

Enacted

LD 449 An Act To Strengthen the Ability of Public Employers and Teachers' Unions To Negotiate PUBLIC 752

**Not
Enacted**

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Enacted

LD 1925 Resolve, Regarding Legislative Review of Portions of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards RESOLVE 157

**Not
Enacted**

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Enacted

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LD 1874 An Act To Clarify COVID-19 Paid Leave for School Employees PUBLIC 614

**Not
Enacted**

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LD 1952 Resolve, To Reestablish the Commission To Develop a Paid Family and Medical Leave Benefits Program Died On Adjournment

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Enacted

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LD 607 An Act To Direct the Department of Labor To Educate Business and Nonprofit Communities on Overtime Laws PUBLIC 563

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	LD 473	An Act To Create the Maine Rental Assistance and Guarantee Program	Died On Adjournment
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	LD 773	An Act To Assist Public School Students and Families Who Are Homeless	Died On Adjournment

LD 1246	Resolve, To Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities	Died On Adjournment
LD 1312	An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed	Died On Adjournment
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Housing Safety

Enacted

LD 1891	An Act To Continue Supporting Safe Drinking Water for Maine Families	PUBLIC 726
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Labor Relations

Enacted

LD 775	An Act To Include within the Definitions of "Public Employee" and "Judicial Employee" Those Who Have Been Employed for Less Than 6 Months	PUBLIC 601
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Not Enacted

LD 555	An Act To Expand the Rights of Public Sector Employees	Majority (ONTP) Report
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Labor Unions

Enacted

LD 1823	An Act To Amend the Enforcement Provisions of the Law Governing Earned Paid Leave	PUBLIC 569
LD 1889	An Act To Amend the Whistleblowers' Protection Act To Ensure Coverage in Unionized Workplaces	PUBLIC 589
LD 1969	An Act Concerning Equity in Renewable Energy Projects and Workforce Development	PUBLIC 705

Not Enacted

LD 464	An Act To Change Certain Labor Laws	ONTP
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Minimum Wage

Not Enacted

LD 734	An Act To Set a Minimum Wage for School Support Staff	Died On Adjournment
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Enacted

LD 1724 An Act To Create a Logging Dispute Resolution Board and To Require Proof of Ownership Documents To Be Available within 14 Days of Request PUBLIC 665

**Not
Enacted**

LD 463 An Act To Establish the Perfluoroalkyl and Polyfluoroalkyl Substances Testing Reimbursement Fund for the Purpose of Testing Residential Property Wells Died On Adjournment

LD 468 An Act To Amend the Laws Governing Labor and Housing ONTP

LD 1997 Resolve, To Implement Certain Recommendations of the Committee To Study the Feasibility of Creating Basic Income Security Died On Adjournment

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Enacted

LD 1969 An Act Concerning Equity in Renewable Energy Projects and Workforce Development PUBLIC 705

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**Not
Enacted**

LD 1753 An Act Regarding the Retirement of Law Enforcement Officers under the Participating Local District Retirement Program ONTP

LD 1901 An Act To Protect Funding for Health Care for Retired Teachers by Establishing an Investment Trust Fund ONTP

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Enacted

LD 1922 An Act To Amend Certain Laws Pertaining to the Maine Public Employees Retirement System PUBLIC 548

**Not
Enacted**

LD 111 An Act To Allow Career Educators To Retire without Penalty Died On Adjournment

LD 548 An Act Regarding Penalties for Early Retirement for Certain Members of the Maine Public Employees Retirement System Died On Adjournment

LD 703 An Act To Increase the Amount to Which a State Employee or Teacher Retiree's Cost-of-living Adjustment Is Applied from \$20,000 to the Retiree's Actual Retirement Benefit Died On Adjournment

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Labor and Housing

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LD 1041	An Act To Include Certain Mental Health Workers under the 1998 Special Plan for Retirement	Died On Adjournment
LD 1746	An Act To Expand the 1998 Special Retirement Plan To Include Employees Who Work for the Office of Chief Medical Examiner	Died On Adjournment
LD 1808	An Act To Address Employee Retention at the Maine State Police Crime Laboratory and the Computer Crimes Unit in the Department of Public Safety	Died On Adjournment
LD 1840	An Act To Amend the Laws Governing Retirement Benefit Reductions for Certain Employees Currently Included in the 1998 Special Plan	Died On Adjournment

Unemployment Compensation

Not Enacted

LD 1509	An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance	Died On Adjournment
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Wages

Enacted

LD 607	An Act To Direct the Department of Labor To Educate Business and Nonprofit Communities on Overtime Laws	PUBLIC 563
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Not Enacted

LD 616	An Act To Increase Accountability for Wage Violations	Died On Adjournment
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Workers' Compensation

Enacted

LD 305	An Act To Include Certain Employees in the Bureau of Forestry's Forest Protection Unit in the Laws Concerning Cancer Suffered by Firefighters	PUBLIC 678
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LD 575	An Act To Establish a Conditional Presumption of Compensability for Certain Employees in Cases of Impairment from Hypertension or Heart Disease	PUBLIC 730
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LD 1879	An Act To Support Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder	PUBLIC 629
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Not Enacted

LD 1430	An Act Regarding the Waiting Period for Compensation for Incapacity To Work under the Maine Workers' Compensation Act of 1992	Died On Adjournment
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LD 1881	An Act To Clarify the Laws Related to the Use of Medical Marijuana and Workers' Compensation	Majority (ONTP) Report
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Workforce Development

**Not
Enacted**

LD 831	An Act To Aid Workforce Development	ONTP
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Workforce Investment

Enacted

LD 898	An Act To Create the Essential Support Workforce Advisory Committee	PUBLIC 688
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Workforce Investment and Development

Enacted

LD 177	An Act To Support Apprenticeship Programs	PUBLIC 709
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LD 460	Resolve, Directing the Department of Labor To Convene a Stakeholder Group To Examine Workforce Development Issues in the Hospitality and Food and Beverage Industries	RESOLVE 165
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LD 1969	An Act Concerning Equity in Renewable Energy Projects and Workforce Development	PUBLIC 705
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**Not
Enacted**

LD 886	Resolve, To Encourage Employment in the Direct Care Workforce	Died On Adjournment
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DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Labor and Housing (LBHS)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
LBHS	111	An Act To Allow Career Educators To Retire without Penalty	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	3/8/21	Died On Adjournment			
LBHS	151	An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining	Reported Out	OTP-AM/ ONTP		6/15/21	Veto Sustained			
LBHS	177	An Act To Support Apprenticeship Programs	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/5/22	Enacted	PL	709	
LBHS	211	An Act To Support Emergency Shelter Access for Persons Experiencing Homelessness	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	4/15/21	Died On Adjournment			see note
LBHS	225	An Act Regarding the Treatment of Vacation Time upon the Cessation of Employment	Reported Out	OTP-AM	Carried Over In Comm	3/29/22	Enacted	PL	561	
LBHS	305	An Act To Include Certain Employees in the Bureau of Forestry's Forest Protection Unit in the Laws Concerning Cancer Suffered by Firefighters	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	4/29/21	Enacted	PL	678	
LBHS	449	An Act To Strengthen the Ability of Public Employers and Teachers' Unions To Negotiate	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/17/21	Enacted	PL	752	
LBHS	460	Resolve, Directing the Department of Labor To Convene a Stakeholder Group To Examine Workforce Development Issues in the Hospitality and Food and Beverage Industries	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/1/22	Finally Passed	RESLV	165	
LBHS	463	An Act To Establish the Perfluoroalkyl and Polyfluoroalkyl Substances Testing Reimbursement Fund for the Purpose of Testing Residential Property Wells	Reported Out	OTP-AM	Carried Over In Comm	4/7/22	Died On Adjournment			
LBHS	464	An Act To Change Certain Labor Laws	Reported Out	ONTP	Carried Over In Comm	3/21/22	Ought Not to Pass Pursuant to Joint Rule 310			

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Labor and Housing (LBHS)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
LBHS	468	An Act To Amend the Laws Governing Labor and Housing	Reported Out	ONTP	Carried Over In Comm	3/21/22	Ought Not to Pass Pursuant to Joint Rule 310			
LBHS	473	An Act To Create the Maine Rental Assistance and Guarantee Program	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/8/21	Died On Adjournment			see note
LBHS	548	An Act Regarding Penalties for Early Retirement for Certain Members of the Maine Public Employees Retirement System	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	2/24/22	Died On Adjournment			
LBHS	555	An Act To Expand the Rights of Public Sector Employees	Reported Out	ONTP/ OTP-AM	Carried Over In Comm	1/27/22	Accepted Majority (ONTP) Report			
LBHS	575	An Act To Establish a Conditional Presumption of Compensability for Certain Employees in Cases of Impairment from Hypertension or Heart Disease	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/3/21	Enacted	PL	730	
LBHS	581	Resolve, To Expedite Processing of Applications for Certification under the Federal Work Opportunity Tax Credit	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/6/21	Died On Adjournment			
LBHS	607	An Act To Direct the Department of Labor To Educate Business and Nonprofit Communities on Overtime Laws	Reported Out	OTP-AM	Carried Over In Comm	3/29/22	Enacted	PL	563	
LBHS	616	An Act To Increase Accountability for Wage Violations	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/3/21	Died On Adjournment			see note
LBHS	654	An Act To Create a 24-hour Shelter Capital Project Funding Program	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/19/21	Died On Adjournment			
LBHS	703	An Act To Increase the Amount to Which a State Employee or Teacher Retiree's Cost-of-living Adjustment Is Applied from \$20,000 to the Retiree's Actual Retirement Benefit	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/19/21	Died On Adjournment			see note

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Labor and Housing (LBHS)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
LBHS	734	An Act To Set a Minimum Wage for School Support Staff	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/10/21	Died On Adjournment			
LBHS	773	An Act To Assist Public School Students and Families Who Are Homeless	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/17/21	Died On Adjournment			
LBHS	775	An Act To Include within the Definitions of "Public Employee" and "Judicial Employee" Those Who Have Been Employed for Less Than 6 Months	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/1/22	Enacted	PL	601	
LBHS	831	An Act To Aid Workforce Development	Reported Out	ONTP	Carried Over In Comm	3/21/22	Ought Not to Pass Pursuant to Joint Rule 310			
LBHS	886	Resolve, To Encourage Employment in the Direct Care Workforce	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/8/21	Died On Adjournment			see note
LBHS	898	An Act To Create the Essential Support Workforce Advisory Committee	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/5/22	Enacted	PL	688	
LBHS	907	An Act Concerning State Pension Funds and Climate Change	Reported Out	ONTP	Carried Over In Comm	3/21/22	Ought Not to Pass Pursuant to Joint Rule 310			
LBHS	912	An Act To Extend Family Medical Leave to Hourly School Employees	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/16/21	Enacted	PL	690	
LBHS	956	An Act To Amend the Eligibility Criteria for Creditable Service in the Armed Forces of the United States under the State Retirement System	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/17/21	Died On Adjournment			
LBHS	965	An Act Concerning Nondisclosure Agreements in Employment	Reported Out	OTP-AM/ ONTP	Carried Over	4/1/22	Enacted	PL	760	

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Labor and Housing (LBHS)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
LBHS	1041	An Act To Include Certain Mental Health Workers under the 1998 Special Plan for Retirement	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/21/21	Died On Adjournment			
LBHS	1240	Resolve, To Review Barriers to Regional Solutions for Housing Choices	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	3/31/22	Finally Passed	RESLV	184	
LBHS	1246	Resolve, To Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities	Reported Out	OTP-AM/ ONTP	Carried Over	6/8/21	Died On Adjournment			
LBHS	1312	An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed	Reported Out	OTP-AM	Carried On Approps Table	6/14/21	Died On Adjournment			
LBHS	1338	An Act To Prohibit Employers from Retaliating against the Use of Earned Paid Leave	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	5/18/21	Veto Sustained			
LBHS	1430	An Act Regarding the Waiting Period for Compensation for Incapacity To Work under the Maine Workers' Compensation Act of 1992	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/8/21	Died On Adjournment			
LBHS	1509	An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance	Reported Out	OTP-AM	Carried On Approps Table	6/14/21	Died On Adjournment			
LBHS	1656	An Act To Promote Energy-efficient Affordable Housing	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/8/21	Enacted	PL	718	
LBHS	1673	An Act To Establish Fair Housing Goals in Certain Communities in Maine	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/6/22	Enacted	PL	754	
LBHS	1724	An Act To Create a Logging Dispute Resolution Board and To Require Proof of Ownership Documents To Be Available within 14 Days of Request	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/8/22	Enacted	PL	665	

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Labor and Housing (LBHS)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
LBHS	1746	An Act To Expand the 1998 Special Retirement Plan To Include Employees Who Work for the Office of Chief Medical Examiner	Reported Out	OTP-AM/ ONTP		2/24/22	Died On Adjournment			
LBHS	1753	An Act Regarding the Retirement of Law Enforcement Officers under the Participating Local District Retirement Program	Reported Out	ONTP		2/10/22	Ought Not to Pass Pursuant to Joint Rule 310			
LBHS	1808	An Act To Address Employee Retention at the Maine State Police Crime Laboratory and the Computer Crimes Unit in the Department of Public Safety	Reported Out	OTP-AM		4/11/22	Died On Adjournment			
LBHS	1823	An Act To Amend the Enforcement Provisions of the Law Governing Earned Paid Leave	Reported Out	OTP-AM/ ONTP		2/24/22	Enacted	PL	569	
LBHS	1840	An Act To Amend the Laws Governing Retirement Benefit Reductions for Certain Employees Currently Included in the 1998 Special Plan	Reported Out	OTP-AM/ ONTP		4/5/22	Died On Adjournment			
LBHS	1874	An Act To Clarify COVID-19 Paid Leave for School Employees	Reported Out	OTP-AM		4/4/22	Emergency Enacted	PL	614	
LBHS	1878	An Act To Support Restaurants in the State through Service Charge Revenues	Reported Out	OTP-AM/ ONTP		2/24/22	Died On Adjournment			
LBHS	1879	An Act To Support Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder	Reported Out	OTP-AM		3/30/22	Enacted	PL	629	
LBHS	1881	An Act To Clarify the Laws Related to the Use of Medical Marijuana and Workers' Compensation	Reported Out	ONTP/OTP		3/30/22	Accepted Majority (ONTP) Report			
LBHS	1884	An Act To Create Affordable Agricultural Homesteads	Reported Out	ONTP/ OTP-AM		3/30/22	Accepted Majority (ONTP) Report			
LBHS	1889	An Act To Amend the Whistleblowers' Protection Act To Ensure Coverage in Unionized Workplaces	Reported Out	OTP/ONTP		3/16/22	Enacted	PL	589	

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Labor and Housing (LBHS)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
LBHS	1891	An Act To Continue Supporting Safe Drinking Water for Maine Families	Reported Out	OTP-AM		3/7/22	Enacted	PL	726	
LBHS	1901	An Act To Protect Funding for Health Care for Retired Teachers by Establishing an Investment Trust Fund	Reported Out	ONTP		3/25/22	Ought Not to Pass Pursuant to Joint Rule 310			
LBHS	1922	An Act To Amend Certain Laws Pertaining to the Maine Public Employees Retirement System	Reported Out	OTP-AM/ ONTP		2/24/22	Enacted	PL	548	
LBHS	1925	Resolve, Regarding Legislative Review of Portions of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards	Reported Out	OTP-AM/ OTP-AM		3/31/22	Finally Passed	RESLV	157	
LBHS	1952	Resolve, To Reestablish the Commission To Develop a Paid Family and Medical Leave Benefits Program	Reported Out	OTP-AM		3/31/22	Died On Adjournment			see note
LBHS	1961	An Act To Help Alleviate Maine's Housing Shortage and Change the Membership of the Maine State Housing Authority	Reported Out	OTP-AM/ ONTP		4/1/22	Enacted	PL	657	
LBHS	1966	An Act To Facilitate Access to Heating Assistance	Reported Out	OTP-AM		3/29/22	Emergency Enacted	PL	588	
LBHS	1969	An Act Concerning Equity in Renewable Energy Projects and Workforce Development	Reported Out	OTP-AM/ ONTP		4/11/22	Enacted	PL	705	
LBHS	1997	Resolve, To Implement Certain Recommendations of the Committee To Study the Feasibility of Creating Basic Income Security	Reported Out	OTP-AM/ ONTP		3/29/22	Died On Adjournment			
LBHS	2003	An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions	Reported Out	OTP-AM/ ONTP		4/14/22	Enacted	PL	672	see note
LBHS	2006	An Act To Improve the Low-income Home Energy Assistance Program	Reported Out	OTP-AM		3/31/22	Died On Adjournment			

JOINT STANDING COMMITTEE ON LABOR AND HOUSING

LD 177 An Act To Support Apprenticeship Programs

ENACTED LAW SUMMARY

Public Law 2021, chapter 709 provides \$200,000 in ongoing funds to increase support for apprenticeship training reimbursement for registered apprenticeships within the Maine Apprenticeship Program as described in the Maine Revised Statutes, Title 26, section 3211, subsection 6, paragraph A. It also provides \$200,000 in ongoing funds for educational programs that include both industry-based and job-related classroom instruction that is designed to prepare individuals to enter into and succeed in a registered apprenticeship program. Public Law 2021, chapter 709 also transfers \$200,000 from the Medical Use of Marijuana Fund within the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2023 to offset \$200,000 of the General Fund appropriations.

LD 225 An Act Regarding the Treatment of Vacation Time upon the Cessation of Employment

ENACTED LAW SUMMARY

Public Law 2021, chapter 561 provides that all unused vacation pay accrued pursuant to the employer's vacation policy on and after January 1, 2023 must be paid to the employee on cessation of employment unless the employee is employed by an employer with 10 or fewer employees or by a public employer. It also provides that, if the employee's employment is governed by a collective bargaining agreement and that agreement includes provisions addressing payment of vacation pay upon cessation of employment, the collective bargaining agreement supersedes this provision of law.

LD 305 An Act To Include Certain Employees in the Bureau of Forestry's Forest Protection Unit in the Laws Concerning Cancer Suffered by Firefighters

ENACTED LAW SUMMARY

Public Law 2021, chapter 678 clarifies that all employees in the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry whose duties include the extinguishment or investigation of fires are added to the list of firefighters under the workers' compensation laws whose cancer is presumed to be caused by their firefighting duties.

JOINT STANDING COMMITTEE ON LABOR AND HOUSING

LD 449 An Act To Strengthen the Ability of Public Employers and Teachers' Unions To Negotiate

ENACTED LAW SUMMARY

Current law provides that the obligation of a public employer and a bargaining agent to bargain collectively includes their mutual obligation to meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, as long as the parties have not otherwise agreed in a prior written contract.

Public Law 2021, chapter 752 removes the exception to meet as long as the parties have not otherwise agreed in a prior written contract only for public employers that are school districts and the bargaining agents for teachers within those districts.

The law also provides funding to avoid a potential unfunded state mandate and requires the Department of Education to develop a process to reimburse school districts affected by the requirement to bargain for 90% of those school districts' legal and other costs incurred as a result of the requirement to bargain.

LD 460 Resolve, Directing the Department of Labor To Convene a Stakeholder Group To Examine Workforce Development Issues in the Hospitality and Food and Beverage Industries

ENACTED LAW SUMMARY

Resolve 2021, chapter 165 directs the Department of Labor to convene a stakeholder group to examine workforce development issues in the hospitality industry and the food and beverage industry. The stakeholder group must submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than January 1, 2023. The committee may report out a bill to the 131st Legislature in 2023 related to these matters.

LD 575 An Act To Establish a Conditional Presumption of Compensability for Certain Employees in Cases of Impairment from Hypertension or Heart Disease

ENACTED LAW SUMMARY

Public Law 2021, chapter 730 establishes a rebuttable presumption under the workers' compensation laws that an employee of the State whose regular or incidental duties require the care, supervision or custody of a person confined in a prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who contracts heart disease or hypertension has contracted the heart disease or hypertension in the course of employment and as a result of that employment, that sufficient notice of the heart disease or hypertension has been given and that the heart disease or hypertension was not occasioned by any willful act of that employee to cause the heart disease or hypertension, as long as the employee successfully passed a physical examination upon entry

JOINT STANDING COMMITTEE ON LABOR AND HOUSING

into that employment or during the time of that employment that failed to reveal any evidence of that condition.

LD 607 An Act To Direct the Department of Labor To Educate Business and Nonprofit Communities on Overtime Laws

ENACTED LAW SUMMARY

Public Law 2021, chapter 563 requires the Department of Labor to conduct a comprehensive educational campaign focused on the business and nonprofit communities on employee overtime laws as described in the Maine Revised Statutes. It also requires the department to submit a report regarding that campaign annually to the joint standing committee of the Legislature having jurisdiction over labor matters.

LD 775 An Act To Include within the Definitions of “Public Employee” and “Judicial Employee” Those Who Have Been Employed for Less Than 6 Months

ENACTED LAW SUMMARY

Public Law 2021, chapter 601 provides that, for the purposes of the public employees and judicial employees labor relations laws, a person who has been an employee of the State or another public employer for less than six months is considered a public employee and a person who has been an employee of the judicial branch for less than six months is considered a judicial employee. A person who has been an employee of the State or another public employer for less than six months may be dismissed, suspended or otherwise disciplined without cause during the probationary period and is not entitled to a pre-disciplinary hearing. Termination of an employee or any other disciplinary action against an employee during the probationary period is not subject to the grievance and arbitration provision of the collective bargaining agreement.

LD 898 An Act To Create the Essential Support Workforce Advisory Committee

ENACTED LAW SUMMARY

Public Law 2021, chapter 688 establishes the Essential Support Workforce Advisory Committee to advise the Legislature, the Governor and state agencies on issues involving the essential support workforce.

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LD 912 An Act To Extend Family Medical Leave to Hourly School Employees

ENACTED LAW SUMMARY

Public Law 2021, chapter 690 allows an employee of a school administrative unit who has worked at least 900 hours in the previous 12-month period to be eligible for family medical leave under the same terms and conditions as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993.

LD 965 An Act Concerning Nondisclosure Agreements in Employment

ENACTED LAW SUMMARY

Public Law 2021, chapter 760 provides that an employer may not require an employee, intern or applicant for employment to enter into a contract or agreement that waives or limits any right to report or discuss unlawful employment discrimination occurring in the workplace or at work-related events.

The law also provides that an employer may not require an employee, intern or applicant for employment to enter into a settlement, separation or severance agreement that includes a provision that:

1. Limits an individual's right to report, testify or provide evidence to a federal or state agency that enforces employment or discrimination laws;
2. Prevents an individual from testifying or providing evidence in federal and state court proceedings in response to legal process; or
3. Prohibits an individual from reporting conduct to a law enforcement agency.

The law provides that a settlement, separation or severance agreement may include a provision that prevents the subsequent disclosure of factual information relating to a claim of unlawful employment discrimination if:

1. The agreement expressly provides for separate monetary consideration for the provision in addition to anything of value to which the employee, intern or applicant for employment is already entitled;
2. The provision applies to all parties to the agreement to the extent otherwise permitted by law;
3. The agreement clearly states that the individual retains the right to report, testify or provide evidence to federal and state agencies that enforce employment or discrimination laws and to testify and provide evidence in federal and state court proceedings; and

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4. The employer retains a copy of the agreement for six years following the execution of the agreement or the end of employment, whichever is later.

The law provides that the Department of Labor shall enforce the Act and the Attorney General may bring an action under the Act to impose a fine or to enjoin further violation. It provides that an employer that intentionally violates this section commits a civil violation for which a fine of up to \$1,000 may be adjudged.

LD 1240 Resolve, To Review Barriers to Regional Solutions for Housing Choices

ENACTED LAW SUMMARY

Resolve 2021, chapter 184 establishes the Commission To Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals, which is a 17-member commission. The commission is directed to review data on housing shortages in the State for low-income and middle-income households and data on the conversion of housing units to short-term rentals in the State; review state laws that affect the local regulation of land use and short-term rentals and consider whether they fulfill the goals set forth in the Maine Revised Statutes, Title 30-A, section 4312, subsection 3, including but not limited to the promotion of affordable housing, the promotion of an economic climate that increases job opportunities and overall economic well-being and the protection of the State's water resources and other critical natural resources; review efforts in other states and municipalities to address housing shortages through changes to land use restrictions and regulation of short-term rentals; and consider measures that would encourage municipalities to increase available housing, including but not limited to municipal incentives and statewide regulation of short-term rentals. It also directs the commission to consider strategies for affordable home ownership through changes to land use restrictions.

The commission must, no later than November 2, 2022, submit a report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over housing matters.

LD 1656 An Act To Promote Energy-efficient Affordable Housing

ENACTED LAW SUMMARY

Public Law 2021, chapter 718 requires that the Maine State Housing Authority condition approval of funding of a housing project upon an applicant's compliance with housing design standards and requirements related to energy-efficient design and sustainability. It also directs the Maine State Housing Authority to adopt rules by January 1, 2024, and requires that the Maine State Housing Authority collaborate with the Efficiency Maine Trust, when appropriate, using existing resources.

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LD 1673 An Act To Establish Fair Housing Goals in Certain Communities in Maine

ENACTED LAW SUMMARY

Public Law 2021, chapter 754 sets a guideline for service center communities to employ in developing a growth management program that at least 10% of the housing stock is affordable housing. It requires the Department of Agriculture, Forestry and Conservation to update the service center community classifications in 2023 and every five years thereafter; post the service center community listing on its publicly accessible website; submit a report, by February 15, 2023, to the joint standing committee of the Legislature having jurisdiction over housing matters detailing where population growth is occurring and projected to occur; and submit the periodic evaluation report required to be provided by statute to the joint standing committee of the Legislature having jurisdiction over housing matters. It requires the department, the Maine State Housing Authority and the Department of Economic and Community Development to share data useful in assessing and determining growth management policies and standards.

LD 1724 An Act To Create a Logging Dispute Resolution Board and To Require Proof of Ownership Documents To Be Available within 14 Days of Request

ENACTED LAW SUMMARY

Public Law 2021, chapter 665 establishes the Logging Dispute Resolution Board under the State Board of Arbitration and Conciliation to hear disputes between a forest landowner and a forest products harvester in the logging industry, including disputes regarding pay violations, payout amounts, contract violations and hiring disputes.

It also changes the time frame for a bond worker in a logging occupation to provide proof of the employer's ownership of any logging equipment used by that worker in the course of employment from 30 to 14 calendar days. It requires employers to certify to the Department of Labor that the employer is not requiring a bond worker to engage in point-to-point hauling of forest products within the State or to otherwise violate federal cabotage laws.

LD 1823 An Act To Amend the Enforcement Provisions of the Law Governing Earned Paid Leave

ENACTED LAW SUMMARY

Public Law 2021, chapter 569 specifies that violations of earned paid leave pursuant to the Maine Revised Statutes, Title 26, section 637, may be addressed through the dispute resolution process set forth in a collective bargaining agreement.

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LD 1874 An Act To Clarify COVID-19 Paid Leave for School Employee

ENACTED LAW SUMMARY

Public Law 2021, chapter 614 provides that a public school employee who has 60 days or more of accrued paid leave on or after the effective date of this legislation is not eligible for paid leave for reasons related to COVID-19 as specified in the Maine Revised Statutes, Title 20-A, section 13605, subsection 1. It requires a school administrative unit to restore sick leave time used by a public school employee pursuant to Title 20-A, section 13605 prior to the effective date of this legislation and to compensate a public school employee who was absent from work for a reason described in Title 20-A, section 13605 prior to the effective date of this legislation and who was not eligible to be paid for that absence. It also permits school administrative units to fund the paid leave provided in this legislation using federal funds, if federal funds are available to be used for that purpose.

Public Law 2021, chapter 614 was enacted as an emergency measure effective April 15, 2022.

LD 1879 An Act To Support Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder

ENACTED LAW SUMMARY

Current law in the Maine Revised Statutes, Title 39-A, section 201, subsection 3-A, paragraph B creates for certain employees with post-traumatic stress disorder claims under the Workers' Compensation Act a rebuttable presumption that the condition is a work-related injury. Current law also requires the Workers' Compensation Board to report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 2022 with an analysis of the claims brought under that law. Current law provides that these provisions are repealed on October 1, 2022. Public Law 2021, chapter 629 amends these provisions in the following ways.

1. The law repeals the reporting requirement and replaces it with a new prospective requirement for the Workers' Compensation Board to report to the joint standing committee of the Legislature having jurisdiction over labor matters with an analysis of claims brought under the Maine Revised Statutes, Title 39-A, section 201, subsection 3-A, paragraph B five years and 10 years after the Legislature amends the provision to add a new category of employees eligible for the rebuttable presumption.
2. The law extends the repeal date by three years until October 1, 2025. This repeal date means that the rebuttable presumption for certain employees will no longer be available after October 1, 2025. To avoid a conflict, the reporting requirements will also be repealed on October 1, 2025.

The law also establishes additional reporting requirements for the Workers' Compensation Board relating to claims brought under the rebuttable presumption provision in Title 39-A, section 201,

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subsection 3-A, paragraph B. It requires the board to report to the joint standing committee of the Legislature having jurisdiction over labor matters in the following ways.

1. The law requires the board, no later than April 1, 2025, to report on rebuttable presumption claims made by corrections officers and E-9-1-1 dispatchers.
2. The law requires the board, no later than January 1, 2027, to report on rebuttable presumption claims made by law enforcement officers, firefighters or emergency medical services persons. This report must consist of claims data for claims brought by these employees under Title 39-A, section 201, subsection 3-A, paragraph B prior to its repeal date of October 1, 2025.
3. The law requires the board, no later than January 1, 2032, to report on rebuttable presumption claims by corrections officers and E-9-1-1 dispatchers. This report must consist of claims data for claims brought by these employees under Title 39-A, section 201, subsection 3-A, paragraph B prior to its repeal date of October 1, 2025.

The law specifies the information that must be included in the three reports and authorizes the joint standing committee of the Legislature having jurisdiction over labor matters to report out legislation relating to each report during the session in which the report is received.

LD 1889 An Act To Amend the Whistleblowers' Protection Act To Ensure Coverage in Unionized Workplaces

ENACTED LAW SUMMARY

Public Law 2021, chapter 589 changes the Whistleblowers' Protection Act in order to clarify its scope. The law repeals a section of the Whistleblowers' Protection Act that was interpreted by the Maine Supreme Judicial Court in *Nadeau v. Twin Rivers Paper Company, LLC*, 2021 ME 16, 247 A.3d 717 as a bar to enforcement of the Act in many cases in which a collective bargaining agreement is in place.

LD 1891 An Act To Continue Supporting Safe Drinking Water for Maine Families

ENACTED LAW SUMMARY

Public Law 2021, chapter 726 provides one-time funding of \$400,000 in fiscal year 2022-23 for the treatment of contaminated private drinking water wells.

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LD 1922 An Act To Amend Certain Laws Pertaining to the Maine Public Employees Retirement System

ENACTED LAW SUMMARY

Public Law 2021, chapter 548 makes following changes to the laws governing the Maine Public Employees Retirement System:

1. It removes the provision that provides that the service retirement benefit of a judge ceases upon the return to service as a judge and that a judge returned to service continues to earn credit toward retirement;
2. It corrects a cross-reference in the law that governs ordinary death benefits for members in the Judicial Retirement Program;
3. It clarifies the definition of “qualifying member” for the Judicial Retirement Program to include retirees who receive a disability retirement benefit and change to service retirement;
4. It clarifies that actuarial equivalent calculations are based on the discount rate assumption adopted by the Board of Trustees of the Maine Public Employees Retirement System;
5. It changes references to “school management and leadership center” to “education service center” in accordance with changes made in Public Law 2019, chapter 219;
6. It clarifies jurisdiction over administrative decisions on membership;
7. It specifies the types of retirement plans that the board of trustees may establish and offer;
8. It makes changes to language regarding disability retirement-related information that is reported by the system annually to the Legislature;
9. It aligns the provisions for automatic refunds on inactive accounts with federal law;
10. It deletes a cross-reference to inapplicable federal law in the military service credit purchase provision;
11. It removes the ability for certain retired participating local district members who are restored to service to reenter the plan in order to bring the provisions into compliance with federal law;
12. It clarifies the required minimum contribution rate that participating local district employees must contribute to a defined contribution or deferred compensation plan in order for it to be considered a qualified replacement plan;
13. It permits the Chief Executive Officer of the Maine Public Employees Retirement System to adopt a remote meeting policy for the Participating Local District Advisory Committee;

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14. It incorporates a change in title from Executive Director of the Maine Public Employees Retirement System to Chief Executive Officer of the Maine Public Employees Retirement System and directs the Revisor of Statutes to incorporate this change throughout the statutes;
15. It removes obsolete, unclear or inconsistent language;
16. It specifies that one member of the Board of Trustees of the Maine Public Employees Retirement System may be appointed by the Governor from a list of names of retirees provided by the Maine Association of Retirees;
17. It requires the Maine Public Employees Retirement System to provide in its annual report to the Legislature survey data measuring satisfaction and experience of both retirement system members and retirement system employees; and
18. It provides that certain members of the Maine Public Employees Retirement System whose positions are moved from one special retirement plan to another special retirement plan are eligible for retirement under the former special plan if the members have met the retirement qualifications of the former special plan.

LD 1925 Resolve, Regarding Legislative Review of Portions of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

ENACTED LAW SUMMARY

Resolve 2021, chapter 157 authorizes final adoption of portions of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a major substantive rule of the Department of Labor, Bureau of Labor Standards.

LD 1961 An Act To Help Alleviate Maine's Housing Shortage and Change the Membership of the Maine State Housing Authority

ENACTED LAW SUMMARY

Public Law 2021, chapter 657 includes among the state goals for actions of all state and municipal agencies that affect natural resource management, land use and development the goals of promoting housing choice and economic diversity in housing that is affordable to low-income and moderate-income households and addressing disparities in access to educational, occupational and other opportunities. It also changes the membership of the Maine State Housing Authority and clarifies that appointments to the Maine State Housing Authority and the appointment of the director of the authority are subject to review by the joint standing committee of the Legislature having jurisdiction over housing matters.

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LD 1966 An Act To Facilitate Access to Heating Assistance

ENACTED LAW SUMMARY

Public Law 2021, chapter 588 requires the Maine State Housing Authority to adopt rules for the administration of its fuel assistance program that require local program operators and administrators to accept online applications for the program beginning no later than the 2022-23 winter season.

Public Law 2021, chapter 588 was enacted as an emergency measure effective April 12, 2022.

LD 1969 An Act Concerning Equity in Renewable Energy Projects and Workforce Development

ENACTED LAW SUMMARY

Public Law 2021, chapter 705 does the following.

1. It sets standards for certification, evaluation and decertification of preapprenticeship training programs by the Maine Apprenticeship Program.
2. It requires projects involving the construction of renewable energy generating systems that are at least two megawatts in size and that receive state assistance to meet certain workforce requirements. It defines such projects as “assisted projects.” Specifically, contractors and subcontractors working on an assisted project are required to pay construction workers at least the prevailing rate for wages and benefits, except that they may pay the apprentice rate to apprentices on the project if those apprentices participate in a registered apprenticeship program. It specifies that assisted projects also include requests for bids or proposals that supplement a process started on or before January 1, 2023. It provides for sanctions for violations of the provisions related to assisted projects.
3. It specifies that if the Public Utilities Commission engages in additional procurement of energy or renewable energy credits pursuant to the Maine Revised Statutes, Title 35-A, section 3210-G, the commission, in determining benefits to the State’s economy, is required to consider whether the Class IA resource has secured a project labor agreement with a labor organization to supply construction workers in all crafts needed for the assisted project where the assisted project is located and whether an entity is employee-owned, including but not limited to an entity that offers employee stock ownership plans or is structured as a worker cooperative.

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LD 2003 An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions

ENACTED LAW SUMMARY

Public Law 2021, chapter 672 enacts recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions pursuant to Resolve 2021, chapter 59. The law:

1. Provides that, in a municipality in which housing density is limited to no more than one dwelling unit per lot or no more than two dwelling units per lot, the municipality shall allow structures with up to two dwelling units per lot if that lot does not contain an existing dwelling unit, except that, as long as the minimum lot size requirements for waste disposal are not violated, a municipality must allow up to four dwelling units per lot if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area within a municipality consistent with the Maine Revised Statutes, Title 30-A, section 4349-A, subsection 1, paragraph A or B or if the lot is served by public water and sewer systems in a municipality without a comprehensive plan;
2. Provides that a municipality must allow structures on a lot with an existing dwelling unit to add up to two additional dwelling units on that lot if one additional dwelling unit is within or attached to the existing structure and the other additional dwelling unit is detached;
3. Specifies that, for a lot in any zone for which housing is permitted, the intent is not to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with Title 30-A, chapter 187, subchapter 4;
4. Specifies that accessory dwelling units are not subject to a municipality's rate of growth ordinance;
5. Provides that the affordable housing development and accessory dwelling unit provisions are subject to minimum lot size requirements in accordance with the Maine Revised Statutes, Title 12, chapter 423-A, as applicable;
6. Specifies that the income eligibility for all the housing units in an affordable housing development must be calculated at the time of initial occupancy;
7. Authorizes a municipality to allow more dwelling units in residential areas than the number required to be allowed by the municipality;
8. Provides that lots that have constructed dwelling units or accessory dwelling units in accordance with this law are not eligible for any additional increases in density except as allowed by the municipality;

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9. Provides that a municipality may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit;
10. Provides that the Department of Economic and Community Development, in cooperation with the Maine State Housing Authority, must establish both statewide and regional housing production goals;
11. Specifies that municipalities must, to fulfill the statewide or regional housing production goal established by the Department of Economic and Community Development, ensure that all zoning ordinances affirmatively further fair housing in accordance with federal law and the Maine Human Rights Act; and
12. Specifies that a municipality may regulate a short-term rental to meet the statewide or regional housing production goal established by the Department of Economic and Community Development.