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No. 1677

H.P. 1200

House of Representatives, December 30, 2013

An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor

Submitted by the Department of Labor pursuant to Joint Rule 204.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative VOLK of Scarborough.
Cosponsored by Senator PATRICK of Oxford and
Representatives: HAMANN of South Portland, LOCKMAN of Amherst, Senator: CUSHING
of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §943**, as amended by PL 2011, c. 655, Pt. D, §§5 and 6 and
3 affected by §11 and amended by Pt. SS, §1, is further amended to read:

4 **§943. Department of Labor**

5 **1. Major policy-influencing positions.** The following positions are major policy-
6 influencing positions within the Department of Labor. Notwithstanding any other
7 provision of law, these positions and their successor positions are subject to this chapter:

8 B. Director, Bureau of Labor Standards;

9 C. Executive Director, Maine Labor Relations Board;

10 E. Director of Legislative Affairs;

11 F-1. Deputy Commissioner;

12 G-1. ~~Beginning April 15, 1996, Executive~~ Director, Bureau of Employment
13 Services;

14 J. ~~Executive~~ Director, ~~Office~~ of Operations;

15 K. Director, Bureau of Rehabilitation Services;

16 L. Director, Bureau of Unemployment Compensation; and

17 M. Director, ~~Public Information~~ of Communications.

18 **Sec. 2. 26 MRSA §61, sub-§2**, as amended by PL 1999, c. 57, Pt. B, §5, is further
19 amended to read:

20 **2. Source of funds.** The commissioner or the commissioner's designee shall
21 annually assess a levy based on actual annual workers' compensation paid losses,
22 excluding medical payments, paid in the most recent calendar year for which data is
23 available by employers under former Title 39, the Workers' Compensation Act or Title
24 39-A, Part 1, the Maine Workers' Compensation Act of 1992. As soon as practicable
25 after July 1st of each year, the commissioner or the commissioner's designee shall assess
26 upon and collect from each insurance carrier licensed to do workers' compensation
27 business in the State, and each group and individual self-insured employer authorized to
28 make workers' compensation payments directly to their employees, a sum equal to that
29 proportion of the current fiscal year's appropriation, exclusive of any federal funds, for
30 the safety education and training program that the total workers' compensation benefits,
31 exclusive of medical payments, paid by each licensed carrier or each group or individual
32 self-insured employer, bear to the total of the benefits paid by all licensed carriers, and
33 group and individual self-insured employers during the most recent calendar year for
34 which data is available, except that the total amount levied annually may not exceed 1%
35 of the total of the compensation benefits paid by all licensed carriers, and group and
36 individual self-insured employers during the most recent calendar year for which data is
37 available. A licensed carrier or group or individual self-insured must be assessed based
38 on all benefits paid, exclusive of medical payments, during any year for which the carrier
39 was licensed or the group or individual self-insured employer was authorized to make

1 workers' compensation payments directly to their ~~employers~~ employees for any portion of
2 the year.

3 **Sec. 3. 26 MRSA §1083, sub-§2**, as amended by PL 1977, c. 675, §13, is further
4 amended to read:

5 **2. Financing.** All ~~moneys~~ funds received by this State under the ~~said Act of~~
6 ~~Congress federal Wagner-Peyser Act~~, as amended, ~~shall~~ must be paid into ~~the~~
7 ~~Employment Security Administration Fund~~, and ~~said moneys are~~ an employment services
8 fund and the funds made available to the commissioner to be expended as provided by
9 this section and by ~~said that~~ Act of Congress. For the purpose of establishing and
10 maintaining free public employment offices, the commissioner is authorized to enter into
11 agreements with the Railroad Retirement Board, or any other agency of the United States
12 charged with the administration of an unemployment compensation law or employment
13 security law, with any political subdivision of this State or with any private, nonprofit
14 organization, and as a part of any such agreement the commissioner may accept ~~moneys~~
15 funds, services or quarters as a contribution to ~~the Employment Security Administration~~
16 Fund an employment services fund.

17 **Sec. 4. 26 MRSA §1401-A, sub-§2**, as amended by PL 2007, c. 126, §1, is
18 further amended to read:

19 **2. Commissioner; entities incorporated.** The department consists of a
20 Commissioner of Labor, referred to in this chapter as the "commissioner," appointed by
21 the Governor and subject to review by the joint standing committee of the Legislature
22 having jurisdiction over labor matters and to confirmation by the Legislature, to serve at
23 the pleasure of the Governor, and the following entities as previously created or
24 established are incorporated into the Department of Labor:

- 25 A. The Bureau of Unemployment Compensation;
- 26 B. ~~Beginning April 15, 1996, the~~ The Bureau of Employment Services;
- 27 C. The Bureau of Labor Standards;
- 28 D. The Bureau of Rehabilitation Services;
- 29 ~~E. The Division of Administrative Hearings;~~
- 30 F. The Center for Workforce Research and Information; and
- 31 ~~G. The Human Resource Development Council; and~~
- 32 ~~H. The Private Industry Council staff.~~
- 33 I. The State Workforce Investment Board.

34 **Sec. 5. 26 MRSA §1401-B, sub-§1, ¶B**, as amended by PL 2011, c. 655, Pt. D,
35 §10 and affected by §11 and amended by Pt. SS, §2, is repealed and the following
36 enacted in its place:

- 37 B. The commissioner shall appoint to serve at the commissioner's pleasure:
38 (1) Deputy Commissioner;

- 1 (2) Director of Legislative Affairs;
- 2 (3) Director of Operations;
- 3 (4) Director of Communications;
- 4 (5) Director, Bureau of Labor Standards;
- 5 (6) Director, Bureau of Employment Services; and
- 6 (7) Director, Bureau of Rehabilitation Services.

7 **Sec. 6. 26 MRSA §2006, sub-§5-B**, as amended by PL 2011, c. 627, §3, is
8 further amended to read:

9 **5-B. Commission on Disability and Employment.** In addition to its other duties,
10 the board, through its ~~Standing Committee on Employment of People with Disabilities~~
11 Commission on Disability and Employment, a standing committee created pursuant to
12 subsection 7, paragraph A, subparagraph ~~(3)~~ (2) and referred to in this subsection as "the
13 standing committee," shall perform the duties of the former Governor's Committee on
14 Employment of People with Disabilities.

15 A. The standing committee shall:

- 16 (1) Advise, consult and assist the executive and legislative branches of State
17 Government on activities of State Government that affect the employment of
18 disabled individuals. The standing committee is solely advisory in nature. The
19 standing committee may advise regarding state and federal plans and proposed
20 budgetary, legislative or policy actions affecting disabled individuals;
- 21 (2) Serve as an advocate on behalf of disabled citizens promoting and assisting
22 activities designed to further equal opportunity for people with disabilities;
- 23 (3) Conduct educational programs considered necessary to promote public
24 understanding of the employment-related needs and abilities of disabled citizens
25 of this State;
- 26 (4) Provide information, training and technical assistance to promote greater
27 employer acceptance of disabled workers;
- 28 (5) Advise and assist employers and other organizations interested in developing
29 employment opportunities for disabled people; and
- 30 (6) Work with state and local government officials, organizations representing
31 persons with disabilities and the business community to inform the public of the
32 benefits of making facilities and services accessible to and usable by individuals
33 with disabilities.

34 B. The standing committee shall administer in accordance with current fiscal and
35 accounting regulations of the State, and in accordance with the philosophy, objectives
36 and authority of this subsection, any funds appropriated for expenditure by the
37 standing committee or any grants or gifts that may become available and are accepted
38 and received by the standing committee.

1 C. The standing committee shall submit an annual report directly to the Governor
2 and the Legislature not later than September 1st of each year concerning its work,
3 recommendations and interest of the previous fiscal year and future plans. The
4 standing committee shall make any interim reports it considers advisable.

5 D. The standing committee shall keep minutes of all meetings, including a list of
6 people in attendance.

7 E. The standing committee may employ, subject to the Civil Service Law, the staff
8 necessary to carry out its objectives. The standing committee may employ
9 consultants and contract for projects it determines necessary. To the extent feasible
10 and reasonable, the standing committee must be given the staff, facilities, equipment,
11 supplies, information and other assistance required to carry out its activities.

12 F. The standing committee may make necessary rules, consistent with this
13 subsection, for promoting its purposes.

14 ~~G. The standing committee may receive and accept, from any source, allocations,~~
15 ~~appropriations, loans, grants and contributions of money or other things of value to be~~
16 ~~held, used or applied to carry out this subsection, subject to the conditions upon~~
17 ~~which the loans, grants and contributions may be made, including, but not limited to,~~
18 ~~appropriations, allocations, loans, grants or gifts from a private source, federal agency~~
19 ~~or governmental subdivision of the State or its agencies.~~

20 **Sec. 7. 26 MRSA §2006, sub-§7**, as amended by PL 2013, c. 424, Pt. A, §15, is
21 repealed and the following enacted in its place:

22 **7. Committee structure.** The board has the following committee structure.

23 A. The board shall create 6 standing committees. The standing committees shall
24 make recommendations to the full board. The 6 standing committees are as follows:

25 (1) Younger workers;

26 (2) Commission on Disability and Employment;

27 (3) Women's employment issues;

28 (4) Older workers;

29 (5) Veterans employment; and

30 (6) The Program Policy Committee. Organizations with representation on the
31 Program Policy Committee may include, but are not limited to, organizations that
32 conduct programs or activities as specified in Section 121(b) of the Workforce
33 Investment Act.

34 B. The board may create committees in addition to those in paragraph A to address
35 specific problems and issues. These committees shall make recommendations to the
36 full board.

37 D. The standing committees under paragraph A may receive and accept, from any
38 source, allocations, appropriations, loans, grants and contributions of money or other
39 things of value to be held, used or applied to carry out this section, subject to the
40 conditions upon which the loans, grants and contributions may be made, including.

