

# **The Maine State Chamber's 2022 Digest of Legislation from the 130th Maine Legislature**

This *Final Summary* of the Second Regular Session of the 130th Maine Legislature outlines legislative initiatives that impact Maine businesses. On previous pages, we have analyzed more in depth many of the bills we believe were most significant to the state's business community. In the following pages, we summarize the wide variety of legislative proposals that the Maine State Chamber tracked this year. Within each section, we have included a brief summary for enacted legislation, while defeated legislation is simply listed within each policy theme.

Entries are in numerical order by their Legislative Document (LD) number. This is the number used throughout the session to refer to a particular bill. Where applicable, the current Public Law (PL), Private and Special Law (P&S), or Resolve (R) number appears in parentheses. Listed at the beginning of the summary of each public law is the name of the bill's sponsor and the committee to which the bill was assigned.

The Second Regular Session of the 130th Maine Legislature adjourned sine die as of Monday, May 9, 2022. Pursuant to the Constitution of Maine, Article IV, Part Third, Section 16, the general effective date for nonemergency laws passed in the Second Regular Session of the 130th Legislature is Monday, August 8, 2022 (90 days following adjournment). Emergency measures are effective when signed by the Governor. In this Final Summary, the effective date for emergency legislation is provided in brackets at the end of each write-up.

*Please keep in mind that the contents of this newsletter are intended for informational use only and should not be relied upon as legal advice in any sense. All laws and regulations must be applied to each individual situation by experienced legal counsel.*

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## **BOND ISSUES LEGISLATION**

### **BOND ISSUES DEFEATED**

**LD 218, *An Act To Authorize a General Fund Bond Issue To Accelerate Weatherization Efforts in the State.*** (Rep. Kessler, D-South Portland) *Joint Standing Committee on Appropriations and Financial Affairs.*

**LD 384, *An Act To Authorize a General Fund Bond Issue To Fund the Transition from a Fossil Fuel-based to an Electrical Energy Economy.*** (Rep. Warren, I-Scarborough) *Joint Standing Committee on Appropriations and Financial Affairs.*

## **BUDGET AND FINANCE LEGISLATION**

### **BUDGET AND FINANCE ENACTED**

**LD 1995 (PL 635), *An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023.*** **Emergency** (Rep. Pierce, D-Falmouth) *Joint Standing Committee on Appropriations and Financial Affairs.* The law does as the title suggests that is to make supplemental appropriations and allocations to the expenditures of state government and to change certain provisions of the law necessary to the proper operations of state government for the fiscal years ending June 30, 2022 and June 30, 2023.

## **ECONOMIC DEVELOPMENT LEGISLATION**

### **ECONOMIC DEVELOPMENT ENACTED**

**LD 1896 (PL 579), *An Act To Allow Heating Fuel and Motor Vehicle Fuel Customers To Opt Out of Paper Delivery Tickets.*** (Sen. Daughtry, D-Cumberland) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* This law requires vendors of bulk deliveries of liquid fuel sold for heating residential, industrial or commercial space or water or motor vehicle fuel to provide to a purchaser a delivery ticket by e-mail upon the request of the purchaser. It also makes a technical correction to the law governing bulk sales.

**LD 1923 (PL 631), *An Act To Establish the Maine Space Corporation.*** (Sen. Daughtry, D-Cumberland) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* This law establishes the Maine Space Corporation to leverage the State's geographic, rocketry, manufacturing and higher education assets and capabilities to establish the State as a national and international industry destination and an authority in launching small launch vehicles and small satellites into polar orbit.

## **EDUCATION LEGISLATION**

### **EDUCATION ENACTED**

**LD 23 (PL 707), *An Act To Reinstate and Increase the Income Tax Deduction for Contributions to Education Savings Plans.*** (Sen. Pouliot, R-Kennebec) *Joint Standing Committee on Taxation.* This law reinstates and increases the income tax deduction for contributions to so-called Section 529 education savings plans, providing a deduction up to \$1,000 per designated beneficiary. A deduction up to \$250 was in effect from 2007 to 2015.

**LD 135 (R 109), *An Act To Address Issues in Funding Prekindergarten Programs.*** (Rep. Brennan, D-Portland) *Joint Standing Committee on Education and Cultural Affairs.* This study directs the Department of Education, in collaboration with the Department of Health and Human Services, to study the development of a centralized billing process for developmental and school-based services covered by the MaineCare program and other insurers and report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services no later than February 1, 2022.

**LD 176 (P&S 22), *An Act To Facilitate a Grade 9 to 16 School Project.*** (Rep. Stearns, R-Guilford) *Joint Standing Committee on Education and Cultural Affairs.* This law authorizes the voters of School Administrative District No. 4, School Administrative District No. 41 and School Administrative District No. 46 to proceed with a regional high school project that the State Board of Education has placed on the approved projects list, by forming a community school district for the new regional high school.

**LD 255 (R 110), *An Act To Ensure Student Success.*** (Rep. Millett, D-Cape Elizabeth) *Joint Standing Committee on Education and Cultural Affairs.* This study convenes an advisory committee to advise the department on the development of a plan for the provision of early intervention services for children from birth to under 3 years of age through a quasi-independent government agency structure, the option of pursuing the federal Individuals with Disabilities Education Act Extended Part C Option under 34 Code of Federal Regulations, Section 303.211 and recommendations on the provision of services for children 3 years of age.

**LD 429 (PL 464), *An Act To Protect the Health of Students and Educators by Requiring the Establishment of Health and Safety Committees in School Administrative Units. Emergency.*** (Rep. McCrea, D-Fort Fairfield) *Joint Standing Committee on Education and Cultural Affairs.* This law requires each school administrative unit to establish a health and safety committee to coordinate planning and response to health and safety matters affecting students and staff of the school administrative unit. It requires these committees to prioritize planning and response to health and safety concerns associated with the outbreak of COVID-19 while there is in effect a state of emergency declared by the Governor

due to COVID-19. The bill specifies that each committee must include teachers and other school employees, school administrators, school board members and parents of students.

**LD 680 (R 174), *Resolve, To Reestablish the Task Force To Study the Creation of a Comprehensive Career and Technical Education System. Emergency*** (Sen. Daughtry, D-Cumberland) *Joint Standing Committee on Education and Cultural Affairs*. This study reestablishes the Task Force To Study the Creation of a Comprehensive Career and Technical Education System. [5/3/2022]

**LD 1207 (R 156), *An Act To Maintain the Current Level of Education Funding. Emergency*** (Sen. Rafferty, D-York) *Joint Standing Committee on Education and Cultural Affairs*. This study provides that, notwithstanding certain requirements in State Board of Education rule 115, The Credentialing of Education Personnel, the Commissioner of Education may certify an applicant as an Education Technician III if the applicant completes the Learning Facilitator Program at Eastern Maine Community College in 2021, 2022 or 2023, receives emergency educational technician certification and meets all other eligibility requirements.

**LD 1389 (PL 565), *An Act To Improve Maritime Education in Maine.*** (Rep. Cuddy, D-Winterport) *Joint Standing Committee on Education and Cultural Affairs*. This law repeals the provision of law that terminates the powers, duties and authority of the Maine School for Marine Science, Technology, Transportation and Engineering 90 days after the adjournment of the Second Regular Session of the 130th Legislature. The bill also provides that the phase-in procedures for schools that are funded in the same way as charter schools are the same as those for charter schools.

**LD 1816 (PL 722), *An Act To Promote Labor Education through the University of Maine System.*** (Speaker Ryan Fecteau, D-Biddeford) *Joint Standing Committee on Education and Cultural Affairs*. This law directs the University of Maine System to establish a labor and community education center at the University of Southern Maine focused on providing lifelong community-based labor education, research and outreach. The bill provides ongoing funds to establish the center. The bill also provides additional ongoing funds to the Bureau of Labor Education at the University of Maine.

**LD 1880 (R Resolve 169), *An Act To Provide Textbook Cost Assistance for High School Students Enrolled in Early College Courses.*** (Rep. Maggie O'Neil, D-Saco) *Joint Standing Committee on Education and Cultural Affairs*. This study establishes the Textbook Cost Assistance Fund in the Department of Education to be used by the department to provide textbook cost assistance to secondary students enrolled in postsecondary courses.

### **EDUCATION DEFEATED**

**LD 380, *An Act To Change the Statutory Cap on Virtual Public Charter School Enrollment.*** (Sen. Pouliot, R-Kennebec) *Joint Standing Committee on Education and Cultural Affairs*.

**LD 481, *An Act To Propose a General Fund Bond Issue To Train Workers in High-demand Sectors and Support the State's 10-year Economic Plan Goal of Increasing Wages by 10 Percent.*** (Rep. Millett, R-Waterford) *Joint Standing Committee on Appropriations and Financial Affairs*.

**LD 702, *An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund.*** (Rep. Millett, D-Cape Elizabeth) *Joint Standing Committee on Appropriations and Financial Affairs*.

**LD 761, *An Act To Establish the Maine Community College System Pell Grant Match Program.*** (Rep. Crockett, D-Portland) *Joint Standing Committee on Education and Cultural Affairs*.

**LD 773, *An Act To Assist Public School Students and Families Who Are Homeless.*** (Rep. Brennan, D-Portland) *Joint Standing Committee on Labor and Housing*.

**LD 812, *An Act To Provide Student Loan Debt Relief.*** (Sen. Daughtry, D-Cumberland) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*.

**LD 1095, *An Act To Authorize a General Fund Bond Issue To Purchase 4 Nursing Simulators for Use by the University of Maine System and the Maine Community College System.*** (Sen. Pouliot, R-Kennebec) *Joint Standing Committee on Appropriations and Financial Affairs*.

**LD 1329, *An Act To Establish the Career Advancement and Navigation Initiative in the Department of Education To Lower Barriers to Career Advancement.*** (Rep. Talbot Ross, D-Portland) *Joint Standing Committee on Education and Cultural Affairs.*

**LD 1391, *An Act To Enhance the Educational Expertise and Knowledge of the Board of Trustees of the University of Maine System.*** (Rep. Collings, D-Portland) *Joint Standing Committee on Education and Cultural Affairs.*

**LD 1502, *An Act To Clarify Safety Issues in Schools with Respect to Healthrelated States of Emergency.*** **Emergency** (Rep. Gramlich, D-Old Orchard Beach) *Joint Standing Committee on Education and Cultural Affairs.*

**LD 1652, *An Act To Build a Child Care System by Recruiting and Retaining Maine's Early Childhood Educators Workforce.*** (Speaker Fecteau, D-Biddeford) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.*

**LD 1678, *An Act To Support Child Care Providers and School Readiness through Tax Credits.*** (Rep. Millett, D-Cape Elizabeth) *Joint Standing Committee on Taxation.*

**LD 1789, *An Act To Modernize Funding of Publicly Funded Tuition Students Attending Career and Technical Education Programs.*** (Sen. Maxmin, D-Lincoln) *Joint Standing Committee on Education and Cultural Affairs.*

**LD 1807, *An Act To Expand Nursing Education Programs.*** (Sen. Daughtry, D-Cumberland) *Joint Standing Committee on Education and Cultural Affairs.*

## **ENVIRONMENTAL LEGISLATION**

### **ENVIRONMENTAL ENACTED**

**LD 259 (PL 653), *An Act To Improve Solid Waste Management.*** (Rep. Tucker, D-Brunswick) *Joint Standing Committee on Environment and Natural Resources.* This law amends the waste handling fees to increase the fee imposed on the disposal at a landfill of municipal solid waste and municipal solid waste ash from \$1 per ton to \$2 per ton.

**LD 1429 (PL 517), *An Act To Achieve Carbon Neutrality in Maine by the Year 2045.*** (Rep. Tucker, D-Brunswick) *Joint Standing Committee on Environment and Natural Resources.* This law amends the State's greenhouse gas emissions reductions law to provide that, by January 1, 2045, the net annual greenhouse gas emissions level in the State shall not exceed zero metric tons.

**LD 1639 (PL 626), *An Act To Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste.*** (Sen. Carney, D-Cumberland) *Joint Standing Committee on Environment and Natural Resources.* This law amends the definition of "waste generated within the State" to limit the amount of the residue that may be disposed of by an incineration, recycling and processing facility at a solid waste landfill in the State to the weight of the solid waste initially generated in the State by that facility during its annual reporting period. The bill eliminates the provisions of the law regarding recycling and source reduction requirements for solid waste processing facilities that were in operation during calendar year 2018 and that accept exclusively construction and demolition debris. It adds environmental justice to the public benefit determination standards for solid waste disposal facilities.

**LD 1801 (PL 503), *An Act To Modify Exemptions for Certain Storm Water Discharges to Class AA and SA Waters.*** (Rep. Zeigler, D-Montville) *Joint Standing Committee on Environment and Natural Resources.* This law amends the law governing exemptions for storm water discharges to Class AA and Class SA waters and provides that certain segments of waters classified as Class AA and Class SA are not designated as outstanding national resources.

**LD 1809 (PL 504), *An Act To Allow Exceptions to the Height Limitations under the Shoreland Zoning Laws.*** (Sen. Brenner, D-Cumberland) *Joint Standing Committee on Environment and Natural Resources.* This law amends how the height of a new or existing principal or accessory structure, including a legally existing nonconforming structure, located in the shoreland zone is measured when the structure is also

located in an area of special flood hazard and there is a minimum elevation required for structures by a local floodplain management ordinance. This bill specifically allows for an exception to shoreland zoning height requirements for legally existing nonconforming structures located in an area of special flood hazard in order to be consistent with a local floodplain management elevation requirement.

**LD 1875 (R 172), *An Act To Address Perfluoroalkyl and Polyfluoroalkyl Substances Pollution from State-owned Solid Waste Disposal Facilities.*** (Rep. Zeigler, D-Montville) *Joint Standing Committee on Environment and Natural Resources.* This provides that a solid waste disposal facility owned by the State may not be licensed or otherwise authorized to transfer leachate from the solid waste disposal facility to a wastewater treatment plant unless prior to the transfer the leachate is treated to reduce the concentration of perfluoroalkyl and polyfluoroalkyl substances or the facility receiving the leachate employs technology to reduce the concentration of perfluoroalkyl and polyfluoroalkyl substances. It requires the Department of Environmental Protection to adopt rules to implement the prohibition.

**LD 1911 (PL 641), *An Act To Prohibit the Contamination of Clean Soils with So-called Forever Chemicals.*** (Rep. Pluecker, I-Warren) *Joint Standing Committee on Environment and Natural Resources.* This law prohibits the application or spreading on any land in the State of sludge, any compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage or any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage.

**LD 1964 (PL 551), *An Act To Update Certain Water Quality Standards and To Reclassify Certain Waters of the State. Emergency.*** (Sen. Stacey Brenner, D-Cumberland) *Joint Standing Committee on Environment and Natural Resources.* This law implements recommendations of the Board of Environmental Protection resulting from its review of the State's water quality classification system and related water quality standards pursuant to the Maine Revised Statutes, Title 38, section 464, subsection 3, paragraph B. As recommended by the board, the bill includes specific updates to certain water quality standards and water quality classifications based on water quality data and the recommendations of the United States Environmental Protection Agency, the Department of Environmental Protection and other parties. [3/31/2022]

**LD 1979 (PL 675), *An Act To Sustain Good-paying Jobs in the Forest Products Industry by Ensuring Consistency between Comprehensive River Resource Management Plans and State Water Quality Standards.*** (Sen. Troy Jackson, D-Aroostook) *Joint Standing Committee on Environment and Natural Resources.* This study requires that a comprehensive river resource management plan for a watershed with a hydropower project give consideration to existing uses. The bill also classifies a comprehensive river resource management plan as a major substantive rule subject to the review of the Legislature.

### **ENVIRONMENTAL DEFEATED**

**LD 49, *An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise.*** (Rep. Brennan, D-Portland) *Joint Standing Committee on Appropriations and Financial Affairs.*

**LD 676, *An Act To Reclassify Part of the Androscoggin River to Class B.*** (Sen. Claxton, D-Androscoggin) *Joint Standing Committee on Environment and Natural Resources.*

**LD 890, *An Act To Protect Maine Consumers and Decrease Environmental Pollution.*** (Rep. Warren, I-Scarborough) *Joint Standing Committee on Environment and Natural Resources.*

**LD 1532, *An Act To Protect Maine's Air Quality by Strengthening Requirements for Air Emissions Licensing.*** (Rep. Morales, D-South Portland) *Joint Standing Committee on Environment and Natural Resources.*

## **HEALTH CARE LEGISLATION**

### **HEALTH CARE ENACTED**

**LD 1539 (PL 692), *An Act To Provide Access to Fertility Care.*** (Rep. Madigan, D-Waterville) *Joint Standing Committee on Health Coverage, Insurance and Financial Services.* A mandate, this law requires carriers offering health plans in this State to provide coverage for fertility diagnostic care, for fertility treatment if the enrollee is a fertility patient and for fertility preservation services. The law revises language concerning required coverage, clinical guidelines developed by the American Society for Reproductive Medicine and limitations on coverage and allows the Superintendent of Insurance to adopt routine technical rules to implement the provisions of this legislation. It requires the Superintendent of Insurance to consult with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to evaluate whether fertility benefits may be part of the essential health benefit package that is required under all health insurance plans in the State and to report to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters by December 31, 2022. The joint standing committee is authorized to report out a bill to the First Regular Session of the 131st Legislature. The amendment also changes the application date in the bill to January 1, 2024.

**LD 1822 (PL 638), *An Act To Improve Access to Behavioral Health Services by Prohibiting Cost Sharing by Insurers.*** (Rep. Morales, D-South Portland) *Joint Standing Committee on Health Coverage, Insurance and Financial Services.* With respect to individual and small group health plans with an effective date on or after January 1, 2023, the law requires that, following the first visit provided without cost sharing, the copayment amount for a behavioral health office visit not be greater than the copayment amount for a primary care office visit and that any copayments for a primary care office visit and a behavioral health office visit count toward the deductible.

With respect to a group health plan other than a small group health plan with an effective date on or after January 1, 2023, the law requires that coverage be provided without cost sharing for the first primary care office visit and first behavioral health office visit in each plan year and that, following the first visit, the copayment amount for a behavioral health office visit not be greater than the copayment amount for a primary care office visit.

The law also requires carriers to demonstrate compliance with federal mental health parity laws and directs the Superintendent of Insurance to take certain actions, including examination and reporting requirements, related to enforcement of mental health parity laws. These requirements are repealed on April 30, 2028.

### **HEALTH CARE DEFEATED**

**LD 441, *An Act To Expand Adult Dental Health Insurance Coverage.*** (Rep. Brooks, D-Lewiston) *Joint Standing Committee on Health Coverage, Insurance and Financial Services.*

**LD 1463, *An Act To Make Health Care Coverage More Affordable for Working Families and Small Businesses.*** (Rep. Tepler, D-Topsham) *Joint Standing Committee on Health Coverage, Insurance and Financial Services.*

## **JUDICIARY LEGISLATION**

### **JUDICIARY ENACTED**

**LD 1786 (PL 553), *An Act To Maintain Consistency among Maine's Nondiscrimination Statutes.*** (Sen. Carney, D Cumberland) *Joint Standing Committee on Judiciary.* This bill makes the nondiscrimination provisions throughout the statutes consistent to prohibit discrimination on the basis of actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status.

**LD 1804 (PL 567), *An Act To Provide Consistency in the Laws Regarding Domestic Partners.*** (Rep. Roberts, D-South Berwick) *Joint Standing Committee on Judiciary.* This law provides consistency throughout the Maine Revised Statutes by enacting as a subsection in the general words and phrases statute that applies to all of the Maine Revised Statutes the definition of “domestic partner” included in the Maine Uniform Probate Code. The bill repeals all other definitions of “domestic partner.” In addition, it incorporates into the laws governing custody of the remains of deceased persons and governing anatomical gifts language from the Uniform Health Care Decisions Act that is used to determine who may act as a surrogate to make health care decisions. In circumstances in which evidence is required to verify the existence of a domestic partnership, those who have registered as domestic partners with the Department of Health and Human Services, Office of Data, Research and Vital Statistics need only show that they are registered. Finally, the law directs the Department of Labor to adopt rules to provide guidance on the application of the laws governing family medical leave to domestic partners.

## **LABOR LEGISLATION**

### **LABOR ENACTED**

**LD 177 (PL 709), *An Act To Improve Labor Laws for Workers in Maine.*** (Rep. Cuddy, D-Winterport) *Joint Standing Committee on Labor and Housing.* This law 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. The amendment 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.

**LD 225 (PL 561), *An Act Regarding the Treatment of Vacation Time upon the Cessation of Employment.*** (Rep. Roeder, D-Bangor) *Joint Standing Committee on Labor and Housing.* This law 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 460 (R 165), *Resolve, Directing the Department of Labor To Convene a Stakeholder Group To Examine Workforce Development Issues in the Hospitality and Food and Beverage Industries.*** (Rep. Sylvester, D-Portland) *Joint Standing Committee on Labor and Housing.* This resolve 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 607 (PL 563), *An Act To Direct the Department of Labor To Educate Business and Nonprofit Communities on Overtime Laws.*** (Rep. Talbot Ross, D-Portland) *Joint Standing Committee on Labor and Housing.* This law 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 965 (PL 760), *An Act Concerning Nondisclosure Agreements in Employment.*** (Rep. Harnett, D-Gardiner) *Joint Standing Committee on Labor and Housing.* This bill governs the use of non-disclosure agreements in cases of unlawful discrimination. The law clarifies that the provisions of the bill apply to unlawful discrimination, imposes certain requirements regarding settlement, separation or severance agreement nondisclosure provisions, adds a statement regarding the construction of the provisions of the

bill and allows the Attorney General to bring an action to impose a fine or seek an injunction for a violation of the provisions of the bill.

**LD 1823 (PL 569), *An Act To Amend the Enforcement Provisions of the Law Governing Earned Paid Leave.*** (Rep. Millett, D-Cape Elizabeth) *Joint Standing Committee on Labor and Housing.* This law provides that if an employee is covered by a collective bargaining agreement, violations of earned paid leave may be addressed through the dispute resolution process set forth in a collective bargaining agreement.

**LD 1889 (PL 598), *An Act To Amend the Whistleblowers' Protection Act To Ensure Coverage in Unionized Workplaces.*** (Rep. Harnett, D-Gardiner) *Joint Standing Committee on Labor and Housing.* This bill changes the Whistleblowers' Protection Act in order to clarify its scope. The bill 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.

### **LABOR DEFEATED**

**LD 464, *An Act To Change Certain Labor Laws.*** (Rep. Sylvester, D-Portland) *Joint Standing Committee on Labor and Housing.*

**LD 616, *An Act To Increase Accountability for Wage Violations.*** (Rep. Collings, D-Portland) *Joint Standing Committee on Labor and Housing.*

**LD 734, *An Act To Set a Minimum Wage for School Support Staff.*** (Rep. Collings, D-Portland) *Joint Standing Committee on Labor and Housing.*

**LD 1338, *An Act To Protect Employees' Exercise of Workplace Rights.*** (Rep. Millett, D-Cape Elizabeth) *Joint Standing Committee on Labor and Housing.* Veto sustained.

**LD 1952, *Resolve, To Extend the Commission To Develop a Paid Family and Medical Leave Benefits Program.*** (Sen. Daughtry, D-Cumberland) *Joint Standing Committee on Labor and Housing.* Language placed in the supplemental budget document.

## **TAXATION LEGISLATION**

### **TAXATION ENACTED**

**LD 428 (R 170), *An Act to Prevent Tax Haven Abuse.*** (Rep. Tepler, D-Topsham) *Joint Standing Committee on Taxation.* This Resolve requires Maine Revenue Services to review what the impact would be on the State's income taxes and economy if Maine adopted worldwide combined reporting MRS would be required to report back to the Taxation Committee in 2023.

**LD 484, *An Act to Change Maine's Tax Laws.*** (Sen. Chipman, D-Cumberland) *Joint Standing Committee on Taxation.* The law will require that beginning July 1, 2023 the Maine State Housing Authority use 25% of the revenue received from the real estate transfer tax to support the creation of new affordable housing units through the new construction or adaptive reuse that are affordable to low income households.

**LD 1129 (PL 663), *An Act Relating to the Valuation of Retail Sales Facilities.*** (Rep. Matlack, D-St. George) *Joint Standing Committee on Taxation.* In determining just value of residential or commercial property, this law prohibits an assessor from considering a property subject to restrictions such as deed restrictions, encumbrances etc, when valuing similar property with no such restrictions.

**LD 1156 (PL 602), *An Act to Reduce Errors in Employment Tax Increment Financing.*** (Rep. Arata, R-New Gloucester) *Joint Standing Committee on Taxation.* The law amends the Employment Tax Increment Financing Program to calculate the benefit base as the total incremental gross wages paid during the calendar year by a qualified business to qualified employees multiplied by 4.5%. Currently, the benefit base is based on income tax withholding.



**LD 1569 (R 185), *An Act Regarding an Excise Tax on Water Extracted for Commercial Bottling Use.*** (Rep. Gramlich, D-Old Orchard Beach) *Joint Standing Committee on Taxation.* The law would impose a 5 cent per gallon tax on ground water extracted for commercial bottling use.

**LD 1757 (PL 531), *An Act to Make Technical Changes to the Tax Laws.*** (Rep. Terry, D-Gorham) *Joint Standing Committee on Taxation.* The law proposes several changes to Maine tax laws. The law states that the Maine Revenue Services shall hold qualifying examinations for assessors as necessary but not fewer than 2 per year. The law also clarifies the amount of tax that must be paid when a taxpayer appeals a denial of abatement.

**LD 1763 (PL 594), *An Act to Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revenue Statutes.*** (Rep. Terry, D-Gorham) *Joint Standing Committee on Taxation.* The law updates references to the U.S. Internal Revenue Code of 1986 contained in the Maine Revised Statutes Title 36 to refer to the U.S. Internal Revenue Code of 1986, as amended through December 31, 2021, for tax years beginning on or after January 1, 2021 and for any prior tax year as specifically provided by the U.S. Internal Revenue Services Code of 1986, as amended.

**LD 2010 (PL 168), *An Act to Help Maine Residents with High Electricity Costs.*** (Sen. Jackson) *Joint Standing Committee on Taxation.* The law requires the Department of Economic and Community Development to administer energy relief fund payments to eligible customers based on a tiers and the number of kilowatt hours used by those customers.

**LD 2030 (PL 758), *An Act Regarding the Taxation of Energy Storage Facilities & Equipment.*** (Rep. Terry) *Joint Standing Committee on Taxation.* The law provides a refund of sales and use tax of the sales tax paid on purchases of qualified battery energy storage systems.

### **TAXATION DEFEATED**

**LD 42, *An Act Making Certain Supplemental Appropriations and Allocations and Changes Certain Provisions of Law Necessary to the Proper Operations of State Government.*** (Rep. Pierce, D-Falmouth) *Joint Standing Committee on Taxation.*

**LD 169, *An Act to Authorize a General Fund Bond Issue to Stimulate Investment in Innovation by Maine Businesses to Produce Nationally and Globally Competitive Products and Services.*** (Sen. Luchini, D-Hancock) *Joint Standing Committee on Appropriations and Financial Affairs.*

**LD 276, *An Act to Improve and Update Maine's Tax Laws.*** (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Taxation.*

**LD 304, *An Act to Make Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government.*** (Sen. Breen, D-Cumberland) *Joint Standing Committee on Appropriations and Financial Affairs.*

**LD 308, *An Act to Promote Research and Development in the State by Increasing and Marketing the Research Expense Tax Credit.*** (Sen. Stewart, R-Aroostook) *Joint Standing Committee on Taxation.*

**LD 392, *An Act to Amend the Tax Laws.*** (Rep. Terry, D-Gorham) *Joint Standing Committee on Taxation.*

**LD 798, *An Act to improve the Educational Opportunity Tax Credit.*** (Sen. Pouliot, R-Kennebec) *Joint Standing Committee on Taxation.*

**LD 966, *Resolve, Establishing the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses.*** Emergency (Rep. Tepler, D-Topsham) *Joint Standing Committee on Taxation.*

**LD 1289, *An Act to Cut Property Taxes for Maine Residential Homowners.*** (Rep. Perry, D-Bangor) *Joint Standing Committee on Taxation.*

**LD 1337, *An Act to Increase Affordable Housing and Reduce Property Taxes Through an Impact Fee on Vacant Residences.*** (Rep. Kessler, D-South Portland) *Joint Standing Committee on Taxation.*

**LD 1704, *An Act to Change the Exclusion Amount Under the Estate Tax and Provide Additional Funding for the Housing Opportunities for Maine Fund.*** (Rep. Talbot Ross, D-Portland) *Joint Standing Committee on Taxation.*

**LD 1919, *An Act to Encourage Growth in the Forest Products Sector.*** (Rep. Evans) *Joint Standing Committee on Taxation.*

**LD 1941, *An Act to Clarify and Update the Seed Capital Tax Credit.*** (Rep. Curry) *Joint Standing Committee on Taxation.*

**LD 2009, *An Act to Implement Recommendations of the Working Group to Review Tax Expenditures.*** (Sen. Chipman) *Joint Standing Committee on Taxation.*

## **UTILITIES AND ENERGY LEGISLATION**

### **UTILITIES AND ENERGY ENACTED**

**LD 201 (PL 671), *An Act To Reduce Greenhouse Gas Emissions and Promote Weatherization in the Buildings Sector by Extending the Sunset Date for the Historic Property Rehabilitation Tax Credit.*** (Sen. Libby, D-Androscoggin) *Joint Standing Committee on Taxation.* This law reduces the period of extension of certification for eligibility for the tax credit for rehabilitation of historic properties from 15 years to 5 years. It also extends from 2025 to 2030 the date for reporting by the Maine State Housing Authority regarding the affordable housing portion of the credit and authorizes the Joint Standing Committee on Taxation to report out a bill related to the tax credit to the Second Regular Session of the 130th Legislature.

**LD 337 (PL 600), *An Act Regarding Energy, Utilities and Technology.*** (Sen. Lawrence, D-York) *Joint Standing Committee on Energy, Utilities and Technology.* This law provides that the Efficiency Maine Trust, in carrying out its duties, has the power to make agreements, obtain certifications and insurance and guarantee performance of any obligation, contract for professional services and acquire and dispose of real or personal property. It also makes changes to the Maine Clean Energy and Sustainability Accelerator finance program. The amendment allows the accelerator to lend money or otherwise extend credit through various mechanisms, including through leases. It also expands the description of the sources of capital for the program.

**LD 634 (PL 659), *An Act To Cap the Value of Contracts for Renewable Resources and Distributed Generation Resources.*** (Sen. Stewart, R-Aroostook) *Joint Standing Committee on Energy, Utilities and Technology.* This law caps contracts entered into under the renewable portfolio standard procurement laws and the distributed generation procurement laws to reasonable costs associated with making a resource or project commercially operable, plus \$100,000. It directs the Public Utilities Commission to adopt routine technical rules to develop the method the commission will use to determine the contract limitations imposed by this cap for each contract.

**LD 1107 (R 161), *An Act To Create Needed Broadband Infrastructure in Rural Maine through the Establishment of a Satellite-based Broadband Grant Program.*** (Sen. Stewart, R-Aroostook) *Joint Standing Committee on Energy, Utilities and Technology.* This study directs the Maine Connectivity Authority to encourage regional partnerships among appropriate entities to identify and implement strategies to bring high-speed broadband to unserved areas of the State.

**LD 1894 (PL 616), *An Act To Support Municipal Broadband Infrastructure through Incentives and Competition.*** (Sen. Vitelli, D-Sagadahoc) *Joint Standing Committee on Energy, Utilities and Technology.* This law establishes a registration process administered by the Public Utilities Commission for consumer-owned public utilities seeking to expand into the provision of broadband or other Internet access services. Prior to exercising any authority it may have pursuant to other law, a consumer-owned public utility must register with the commission and identify a contact person knowledgeable about the proposed or planned broadband and Internet access systems activities.

**LD 1913 (PL 623), *An Act To Review Strategies for Improving Utility Rate Affordability and To Provide Utility Relief. Emergency*** (Sen. Vitelli, D-Sagadahoc) *Joint Standing Committee on Energy, Utilities and Technology*. This law directs the Public Advocate to convene a stakeholder group to consider matters related to electricity affordability and submit a report to the Legislature. The bill authorizes the Public Advocate to convene the stakeholder group on those matters in the future. [4/18/2022]

**LD 1949 (PL 18), *An Act To Amend the Caribou Utilities District Charter To Include Broadband Services***. (President Jackson, D-Aroostook) *Joint Standing Committee on Energy, Utilities and Technology*. This law allows the Caribou Utilities District to provide broadband services to residents, businesses, nonprofit organizations and government entities within the district and provides for municipalities other than Caribou the opportunity to be admitted for broadband services membership with the district.

**LD 1959 (PL 702), *Act To Ensure Transmission and Distribution Utility Accountability***. (GOV'S BILL) *Joint Standing Committee on Energy, Utilities and Technology*. The purpose of this bill is to create greater accountability of transmission and distribution utilities to their ratepayers in order to ensure that the utilities are fulfilling their duties to provide safe, reasonable and adequate service at just and reasonable rates.

**LD 1969 (PL 705), *An Act Concerning Equity in Renewable Energy Projects and Workforce Development***. (Rep. Cuddy, D-Winterport) *Joint Standing Committee on Labor and Housing*. It provides that if after January 1, 2023 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.

### **UTILITIES AND ENERGY DEFEATED**

**LD 80, *An Act To Provide Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet and Broadband Infrastructure***. (Rep. McCrea, D-Fort Fairfield) *Joint Standing Committee on Energy, Utilities and Technology*.

**LD 82, *Resolve, To Provide for Participation of the State in the Planning and Negotiations for the Atlantic Loop Energy Project. Emergency*** (Rep. Kessler, D-South Portland) *Joint Standing Committee on Energy, Utilities and Technology*.

**LD 383, *An Act Concerning Small Wireless Facilities in Maine***. (Rep. Sophie Warren, D-Scarborough) *Joint Standing Committee on State and Local Government*.

**LD 551, *An Act To Accelerate Weatherization Efforts in the State***. (Rep. Kessler, D-South Portland) *Joint Standing Committee on Energy, Utilities and Technology*.

**LD 856, *An Act To Balance Renewable Energy Development with Natural and Working Lands Conservation***. (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Energy, Utilities and Technology*.

**LD 1079, *Resolve, To Review the Effects of the Deregulation of Maine Utilities***. (Sen. Stewart, R-Aroostook) *Joint Standing Committee on Energy, Utilities and Technology*.

**LD 1094, *An Act To Authorize a General Fund Bond Issue To Reduce Homeowner and Municipal Energy Bills through Increased Efficiency and Weatherization Projects***. (Sen. Pouliot, R-Kennebec) *Joint Standing Committee on Appropriations and Financial Affairs*.

**LD 1350, *An Act To Expand Maine's Clean Energy Economy***. (Sen. Vitelli, D-Sagadahoc) *Joint Standing Committee on Energy, Utilities and Technology*.

**LD 1634, *An Act To Create the Maine Generation Authority***. (Rep. Grohoski, D-Ellsworth) *Joint Standing Committee on Energy, Utilities and Technology*.

**LD 1945, *An Act To Regulate the Use of Biometric Identifiers***. (Rep. O'Neil, D-Saco) *Joint Standing Committee on Judiciary*.

## **WORKERS' COMPENSATION LEGISLATION**

### **WORKERS' COMPENSATION DEFEATED**

**LD 1881, *An Act To Clarify the Laws Related to the Use of Medical Marijuana and Workers' Compensation.*** (Rep. Dillingham, R-Oxford) *Joint Standing Committee on Labor and Housing.*

## **WORKFORCE DEVELOPMENT LEGISLATION**

### **WORKFORCE DEVELOPMENT ENACTED**

**LD 492 (PL 420), *An Act To Create a Regional Grant Program To Help Rural Businesses Find Qualified Staff.*** (Rep. Bernard, R-Caribou) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* This law creates a grant program and related fund for the purpose of aiding entities in hiring a workforce recruiter. The purpose of the position is to advertise and promote jobs in rural Maine and to locate qualified staff to fill open positions. Funds for the program are provided by a one-time appropriation from the General Fund of \$1,000,000.

**LD 898 (PL 688), *An Act To Provide Incentives to Unemployed Workers To Become Part of the Caregiver Workforce.*** **Emergency** (Rep. Fay, D-Raymond) *Joint Standing Committee on Labor and Housing.* This study establishes the Essential Support Workforce Advisory Committee to advise the Legislature, the Governor and state agencies on issues involving the essential support workforce. The amendment also adds an appropriations and allocations section.

### **WORKFORCE DEVELOPMENT DEFEATED**

**LD 144, *An Act To Fund Capital Improvements to Career and Technical Education Centers and Regions To Bolster Maine's Future Workforce.*** (House Speaker Fecteau, D-Biddeford) *Joint Standing Committee on Education and Cultural Affairs.*

**LD 298, *An Act To Authorize a General Fund Bond Issue To Fund Capital Improvements and Equipment for Career and Technical Education Centers and Regions To Prepare Students To Join Maine's Workforce.*** (House Speaker Fecteau, D-Biddeford) *Joint Standing Committee on Appropriations and Financial Affairs.*

**LD 1168, *An Act To License Operators of Personnel Hoists.*** (Rep. Roberts, D-South Berwick) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.*

**LD 1573, *An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues.*** **Emergency** (Rep. Fay, D-Raymond) *Joint Standing Committee on Health and Human Services.*

**LD 1597, *An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Health Care Workforce.*** (Rep. Pierce, D-Falmouth) *Joint Standing Committee on Appropriations and Financial Affairs.* □