

February 21, 2019



## ACTION ALERT!

**Public hearing for mandatory paid sick leave bill rescheduled for Mon., February 25**

**Committee reviewing proposal that could impact nearly all Maine businesses, large and small, needs employer input**

A proposal to provide both full- and part-time employees with up to 40 hours of paid sick time will once again have its day in the Legislature. **LD 369, *An Act to Support Healthy Workplaces and Healthy Families by Providing Earned Paid Sick Leave to Certain Employees***, sponsored by Sen. Rebecca Millett (D-Cumberland), awaits initial action by the Joint Standing Committee on Labor and Housing. A public hearing for LD 369 has been scheduled on **Monday, February 25 at 11:00 a.m. in Room 202 of the Cross Building.**

As drafted, LD 369 closely resembles legislation proposed in 2017 during the 128th Legislative session, as well as combining provisions of a citizen's initiated referendum proposal being circulated by the Maine People's Alliance (MPA). The bill would allow full- and part-time workers *at businesses that employ five or more workers* to accrue one hour of paid sick time for every 30 hours of work, up to a limit of 40 hours in a year. The employee would also be allowed to roll over up to 40 hours of unused leave into the next year, but again, the employer is allowed to cap leave used at 40 hours. The leave begins to accrue upon initi-

ation of work, but the employee cannot use the leave until they have been employed at least 90 days. The employee at an impacted business would be eligible to use the leave to take care of themselves or a sick family member, or if the employee or a member of the employee's family has been the victim of domestic abuse, sexual assault, or stalking.

It should be noted that the definition of "family member" is *extremely* broad, encompassing:

- 1 The employee's, and the employee's spouse's or domestic partner's, biological child, adopted child, foster child, stepchild or legal ward, a child to whom the employee or the employee's spouse or domestic partner stands in loco parentis, or an individual to whom the employee or the employee's spouse or domestic partner stood in loco parentis when the individual was a minor;
- 2 The employee's, and the employee's spouse's or domestic partner's, biological parent, foster parent, stepparent, adoptive parent or legal guardian, or a person who stood in loco parentis when the employee was a minor child;

### MAKE YOUR VOICE HEARD!

**Workers' comp bills scheduled for public hearing on March 4**

At 10:00 a.m. on Monday, March 4 and Wednesday, March 6, the Joint Standing Committee on Labor and Housing will hold public hearings in Room 202 of the Cross Building. These hearings will center on significant and detrimental changes to Maine's workers' compensation system. The bills signify a return to the costly comp system of the 1980s. Employers are encouraged to voice their experience with current comp law and the improvements it has brought to your workplace.

**See details for the public hearings on page 2, and committee contact information on page 4. □**

- 3 A person to whom the employee is legally married under the laws of any state or a domestic partner of the employee;
- 4 The employee's, and the employee's spouse's or domestic partner's, biological grandparent, foster grandparent, adoptive grandparent, or step-grandparent; and,
- 5 The employee's, and the employee's spouse's or domestic partner's, biological sibling, foster sibling, adoptive sibling or stepsibling.

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## **Vol. 53, No. 05 Impact**

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### **Chairman of the Board of Directors:**

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**About the Maine State Chamber of Commerce:** Since 1889, the Maine State Chamber has been fighting to lower your cost of doing business. Through our Grassroots Action Network and OneVoice program, we work with a network of approximately 5,000 companies statewide who see the value in such a service and provide the financial support that keeps our access, advocacy, and assistance efforts going strong. As Maine's Chamber, we make sure that the business environment of the state continues to thrive. The Maine State Chamber of Commerce advocates on behalf of their interests before the legislature and regulatory agencies and through conferences, seminars, and affiliated programs.

## **Public Hearings**

*Public hearings are open to everyone. This public hearing schedule is subject to change. Questions may be directed to the Secretary of the Senate's Office at (207) 287-1540. For the most current schedule, please visit <http://legislature.maine.gov/committee/#Committees> or contact the committee clerk.*

### **MONDAY,** **FEBRUARY 25, 2019**

#### **Education and Cultural Affairs**

##### **10:00 a.m.; Cross Building, Room 208**

**LD 406,** An Act To Establish Regional School Leadership Academies (Rep. Kornfield of Bangor)

#### **Labor and Housing**

##### **11:00 a.m.; Cross Building, Room 202**

**LD 369,** An Act To Support Healthy Workplaces and Healthy Families by Providing Earned Paid Sick Leave to Certain Employees (Sen. Millett of Cumberland)

**LD 502,** An Act To Establish the Summer Success Program Fund (Rep. Pierce of Falmouth)

#### **Labor and Housing**

##### **10:00 a.m.; Cross Building, Room 202**

**LD 312,** An Act To Reduce the Cost of Workers' Compensation Insurance for Small Employers (Rep. Handy of Lewiston)

**LD 600,** An Act To Achieve Mental Health Parity in Workers' Compensation (Sen. Bellows of Kennebec)

**LD 601,** An Act To Create Fairness by Reinstating the Cost-of-living Adjustment for Workers' Compensation Benefits (Sen. Bellows of Kennebec)

### **TUESDAY,** **FEBRUARY 26, 2019**

#### **Energy Utilities and Technology**

##### **1:00 p.m.; Cross Building, Room 211**

**LD 658,** Resolve, To Direct a Plan for Energy Independence for Maine (Rep. Hubbell of Bar Harbor)

### **WEDNESDAY,** **FEBRUARY 27, 2019**

#### **Labor and Housing**

##### **10:00 a.m.; Cross Building, Room 202**

**LD 220,** An Act To Improve Pay for Certain Maine Workers (Rep. Sylvester of Portland)

**LD 733,** An Act To Promote Keeping Workers in Maine (Rep. Schneck of Bangor)

**LD 784,** An Act To Amend the Laws Governing Eligibility for Unemployment Benefits (Sen. Davis of Piscataquis)

#### **Innovation, Development, Economic Advancement and Business**

##### **1:00 p.m.; Cross Building, Room 202**

**LD 768,** Resolve, To Establish the Commission To Research the Economic Disparities of Racial and Ethnic Populations (Rep. Talbot Ross of Portland)

**LD 769,** Resolve, To Direct the Commissioner of Professional and Financial Regulation To Create a Working Group To Study Credentialing Skilled Individuals with Foreign Credentials (Rep. Tepler of Topsham)

### **WEDNESDAY,** **MARCH 6, 2019**

#### **Education and Cultural Affairs**

##### **1:00 p.m.; Cross Building, Room 208**

**LD 587,** An Act To Require Career Options Education for High School Students (Rep. Crockett of Portland)

**LD 882,** Resolve, To Require the Examination of the System of Learning Results (Rep. Sampson of Alfred)

#### **Labor and Housing**

##### **10:00 a.m.; Cross Building, Room 202**

**LD 758,** An Act To Clarify Work Search Requirements for Workers' Compensation (Rep. Sylvester of Portland)

**LD 809,** An Act To Expand and Clarify the Disqualification from Workers' Compensation Benefits of an Employee Who Is Injured While Under the Influence of Drugs or Alcohol (Sen. Cyrway of Kennebec)

***Continued on Page 3...***

### **THURSDAY,** **FEBRUARY 28, 2019**

#### **Energy Utilities and Technology**

##### **1:00 p.m.; Cross Building, Room 211**

**LD 434,** An Act To Price Carbon Pollution in Maine (Rep. Rykerson of Kittery)

### **MONDAY,** **MARCH 4, 2019**

#### **Education and Cultural Affairs**

##### **10:00 a.m.; Cross Building, Room 208**

**LD 405,** An Act To Increase the Statewide Minimum Salary for Teachers (Rep. Kornfield of Bangor)

**LD 419,** An Act To Require a Minimum Salary of \$50,000 for Public School Teachers (Rep. Collings of Portland)

## **Best EEO Practices for a Successful Business**

**Wednesday, February 27 | 9:00 a.m. to 12:00 p.m.  
Bangor Savings Bank, Senator Way, Augusta**



*In collaboration with the  
Maine Human Rights Commission and the EEOC*

As a small business owner and an employer, you may have legal responsibilities under the federal employment anti-discrimination laws enforced by the United States Equal Employment Opportunity Commission (EEOC) and Maine Human Rights Commission (MHRC). This workshop is designed with the intent to educate small businesses and help owners and managers focus on running a successful business by maintaining a strong EEO policy. Whether you are dealing with a complaint filed with the EEOC/MHRC or a lawsuit filed by the EEOC/MHRC, the results can be a drain to your mental and financial resources. Studies show that complaints of employment discrimination have been known to lead to moral issues at the workplace and negatively impact creativity and productivity. This workshop will cover relevant topics and business owners are encouraged to come with questions about their internal EEO policy, including:

- ♦ History of EEOC and MHRC and Agency Updates;
- ♦ Breaking the Silence on Sexual Harassment; Job Segregation: Race and National Origin Discrimination; Stereotypes Against Muslims; Religious Accommodations; Working with Breast Feeding Mothers; and, Respecting LGBTQ Employees;
- ♦ Leveling the Playing Field & Reasonable Job Accommodations for Employees with a Disability or Religion;
- ♦ Equal Pay for Equal Work;
- ♦ Hiring “Young” and “Recent College Graduates;”
- ♦ Genetic Information and the Application Process;
- ♦ ADR v. Investigation – Achieving a “Win-Win” Situation;
- ♦ Best Practices on How to Work with the EEOC; and,
- ♦ Retaliation: A Bad Business Practice.

Sponsored by Littler Mendelson, P.C. and Community Health Options, **this event is free but registration is required**. To register, please visit [www.mainechamber.org/eventdetail.php?ID=100](http://www.mainechamber.org/eventdetail.php?ID=100) or <https://bit.ly/2GoYy82>, or email your complete contact information to [kmorrell@mainechamber.org](mailto:kmorrell@mainechamber.org). □

## **Chamber testifies in support of bill to prohibit initiation of new taxes through referendums**

On Wednesday, February 21, the Joint Standing Committee on Veterans and Legal Affairs held a public hearing on **LD 252, Resolution, Proposing an Amendment to the Constitution of Maine to Prohibit New Increased Fees or Taxes by Means of Direct Initiatives of Legislation**, sponsored by Sen. Jeffrey Timberlake (R-Androscoggin). The Maine State Chamber testified *in support* of the bill, which would, as the title suggests, prohibit the initiation of a new fee or tax through the referendum process. The Maine State Chamber testified that the power of taxation should reside with the Legislature, and that any time complicated tax policy is decided at the ballot box, it risks unintended consequences. The Maine People’s Alliance, Maine Equal Justice Partners, and The Maine Center for Economic Policy were among those organizations that opposed LD 252. The bill has not yet been scheduled for work session. If you have any questions on this bill, please contact Ben Gilman by calling (207) 623-4568, ext. 108, or by emailing [bgilman@mainechamber.org](mailto:bgilman@mainechamber.org). □

### **Public Hearings... (Continued from Page 2...)**

**LD 819**, An Act To Enhance the Predetermination of Independent Contractors (Rep. Sylvester of Portland)

**LD 901**, An Act To Clarify the Statute of Limitations under the Maine Workers’ Compensation Act of 1992 (Rep. Sylvester of Portland)

**THURSDAY,  
MARCH 7, 2019**

**Environment and Natural Resources  
1:00 p.m.; Cross Building, Room 216**  
**LD 906**, An Act Concerning Pavement Sealing Products (Rep. Larsen-Daughtry of Brunswick) □

## ***Paid Sick Leave...*** ***(Continued from Page 1...)***

Furthermore, the bill includes in its definition of “family member” as “any other individual related by blood or affinity” whose close association with the employee is the equivalent of a family relationship.

The same broadness of definition holds true for the use of the new leave. An employee may take paid sick time for the employee’s or a family member’s:

- 1 Mental or physical illness, injury or health condition;
- 2 Medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or,
- 3 Preventative medical care.

In addition to leave when a family member is a victim or domestic violence or sexual assault, the leave can be used in the smallest increments that the employer allows the use of other time. Notice to the employer when foreseeable is defined as a “good faith effort,” and unforeseeable use of the leave is allowed. Documentation of the use of the leave is only required after three consecutive days absence, and a signed letter from the employee or a health care professional is considered documentation.

The bill places considerable record-keeping requirements on employers, as well as a variety of penalties for failure to grant the leave or “retaliation” for the use of the leave. These include a civil fine of \$1,000 and a private right of action that would authorize liquidated damages, attorney’s fees, back wages, and reinstatement. Any employee would have up to three years to bring such an action against an employer alleged to have committed a violation of the statute.

Finally, employers with five or fewer employees are mandated to provide up to 40 hours of unpaid sick time for their full and part time workers.

The issue of providing mandatory paid sick leave to employees who currently do not get such a benefit has been discussed and debated by previous Maine legislatures. The first time the bill saw serious consideration was in 2010. The legislature also considered

## **CONTACT THE JOINT STANDING COMMITTEE ON LABOR AND HOUSING**

*Committee mail can be sent to the Legislative Information Office at 100 State House Station, Augusta, Maine 04333. The committee meets in Room 202 of the Cross Building. The committee clerk can be reached by calling (207) 287-1331.*

*\* Ranking Republican Member*

### **COMMITTEE CHAIRS:**

Sen. Shenna Bellows (D-Kennebec) | Rep. Michael Sylvester (D-Portland)

### **COMMITTEE MEMBERS:**

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Rep. Susan M. W. Austin (R-Gray)

Rep. Lawrence E. Lockman (R-Amherst)

proposals on this issue in 2004, 2007 and 2017. In each case, the Maine State Chamber led a coalition of business associations, opposing such a law as adding considerably to the cost of doing business here.

Many Maine employers do provide some form of paid leave, in the form of vacation, holiday or sick time. However, many businesses do not extend those benefits to part-time, temporary and seasonal workers. Requiring employers to provide these workers with paid leave is a significant departure from current practice and will add to the cost of doing business here in Maine.

Adding mandatory paid sick leave mandates will not only increase the bottom line of many businesses due to increased paid time off, but it will also increase costs due to the very cumbersome tracking requirements that will be needed to calculate leave amounts for full- and part-time employees, as well as tracking its utilization. The tracking of this leave time, particularly for seasonal and temporary workers, will be difficult and expensive. Currently, only 10 states and the District

of Columbia mandate such leave, making multi-state employers with operations here in Maine responsible for establishing a separate tracking system just for their Maine operations. *Once again, we will be making it more expensive to do business here than in our competitor states.*

There is considerable energy behind this proposal, and should the legislature not act on the bill, it is expected that the MPA will submit signatures to the Secretary of State in an effort to get the proposal in the ballot at some point.

A public hearing for LD 369 has been scheduled on **Monday, February 25 at 11:00 a.m.** in **Room 202** of the **Cross Building**. Members are encouraged to voice their concerns to members of the Labor and Housing committee. The Maine State Chamber will be following events concerning this bill carefully and will keep members apprised as the bill moves through the legislative process. For additional information or questions, please contact Peter Gore by calling (207) 623-4568, ext. 107, or by emailing [pgore@mainechamber.org](mailto:pgore@mainechamber.org). □

## **Former Senator Brian Langley to lead early college program for students interested in CTE**

The Honorable Brian Langley, former chair of the Education and Cultural Affairs Committee of the Maine Legislature, member of the Maine State Chamber's Board of Directors, and the chair of the chamber's Education and Workforce Policy Committee, has been named to lead the Bridge Academy Maine (formerly known as Bridge Year) program, a non-profit organization that provides high school juniors and seniors a unique-dual enrollment experience. A restaurant entrepreneur and retired culinary arts instructor, Langley has long been an advocate for Career and Technical Education (CTE) and higher education. He served on the board of the Bridge Year Education Services (BYES), the parent organization for the Bridge Academy, since its inception in 2011, before accepting the leadership role as executive director.

The Bridge Academy currently serves more than 150 students who are enrolled in 470 college courses while attending CTE's in seven regions of the state. Langley's goal is to increase the numbers of students that are served as well as the number of CTE schools participating in the program. "Our state is in a workforce crisis. We need to show our daughters and sons that there is a good future for them, right here in Maine. The Bridge Academy provides a pathway for students to attain real world credentials in less time and with much less student debt. A win-win for all parties," said Langley.

The Bridge Academy is an early college experience for high school students. It is a program that not only prepares students for the rigor of academic study, it also provides students with the relevant context and skills they need to balance work and school.

Highlights of the Bridge Academy include:

- ♦ Making academics more relevant by tying an integrated technical skill-based education to real world careers through a CTE program;
- ♦ Providing the Greater Bangor Area with the opportunity to earn significant college credits by the time of high school graduation from universities and colleges of the University of Maine System and the Maine Community College System;
- ♦ Creating the potential to complete an Associate's Degree in Applied Science within 12 months and/or a Bachelor's Degree within 36 months following high school graduation; and,
- ♦ Saving both money and time in achieving career goals.

Additional information about this program can be found at [www.bridgeacademymaine.org](http://www.bridgeacademymaine.org). For more information, please contact Brian Langley by calling (207) 266-6066 or by emailing [brian@bridgeacademymaine.org](mailto:brian@bridgeacademymaine.org). □

## **Digest of New Legislation**

Maine Chamber staff have studied each of these recently printed bills to assess potential impact on business trends. If you have concerns regarding any bill, please communicate those concerns to a member of our governmental services staff at (207) 623-4568.

### **BUSINESS REGULATION**

**LD 847, An Act To Ensure Persons with Disabilities Have Access to Public Rest Rooms.** (Rep. Riley, D-Jay) *Joint Standing Committee on Judiciary.* This bill provides that single-occupancy bathrooms in existing buildings for use by the general public may not be designated as gender specific. It also requires that new construction of buildings for use by the general public include the construction of single-occupancy bathrooms that meet the standards of construction for new buildings and the federal Americans with Disabilities Act of 1990. The bathrooms may not be designated as gender specific; the purpose of this provision is to ensure that a person with a disability using the bathroom may be assisted by an attendant of a different gender.

### **EDUCATION**

**LD 866, Act To Support College Completion by Homeless Youth in Maine.** (Rep. Brennan, D-Portland) *Joint Standing Committee on Education and Cultural Affairs.* This bill requires institutions of higher education in the State to designate an existing staff member to serve as a liaison for homeless youth who are enrolled in that institution of higher education. The bill also requires institutions of higher education to give homeless youth priority for on-campus housing, develop a plan to provide homeless youth housing during school breaks and allow homeless youth who are enrolled part-time to access on-campus housing during the homeless youth's first year of school. The bill also expands the tuition waiver for state postsecondary educational institutions to include tuition waivers for homeless youth.

**LD 872, An Act To Forgive Education Debt for Certain Health Care Professionals Who Work in the State.** (Rep. Mastraccio, D-Sanford) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* This bill creates the Health Care Professional Education Loan Repayment Program administered by the Finance Authority of Maine to repay the education debt of certain health care professionals who agree to live and work in the State for a

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## New Legislation... (Continued from Page 5...)

minimum of 5 years. Under the program, the authority will pay 20% of the education debt or \$25,000, whichever is lower, for each year of participation in the program up to a total of \$125,000 for a health care professional who is not employed in a federally designated health professional shortage area and 20% of the education debt or \$30,000, whichever is lower, for each year of participation in the program up to a total of \$150,000 for a health care professional who is employed in a federally designated health professional shortage area. The program is contingent on funding from the proceeds from the renewal of the contract for the operations of the State's wholesale spirits business.

**LD 882, Resolve, To Require the Examination of the System of Learning Results.** (Rep. Sampson, R-Alfred) *Joint Standing Committee on Education and Cultural Affairs.* This resolve directs the Department of Education to convene a working group to study the system of learning results and to submit a report by December 4, 2019 to the Joint Standing Committee on Education and Cultural Affairs, which may submit legislation to the Second Regular Session of the 129th Legislature.

### **ENVIRONMENTAL**

**LD 818, An Act To Reduce Greenhouse Gas Emissions. Emergency.** (Sen. Sanborn, D-Cumberland) *Joint Standing Committee on Environment and Natural Resources.* This bill provides that by January 1, 2030 the State must reduce net annual greenhouse gas emissions to at least 80% below the 1990 net annual greenhouse gas emissions level. It directs the Department of Environmental Protection to establish interim net annual emissions levels and to monitor and report on gross and net annual greenhouse gas emissions. It directs the department to update the State's climate action plan and evaluate the State's progress toward meeting the reduction levels. It requires the Board of Environmental Protection to establish greenhouse gas emission standards for individual sources or categories of sources.

**LD 822, An Act To Prohibit the Sale of Motor Fuel Containing More than 10% Ethanol.** (Rep. O'Connor, R-Berwick) *Joint Standing Committee on Energy, Utilities and Technology.* This bill prohibits a distributor, blender or retail dealer from selling, consigning or distributing motor fuel containing more than 10% ethanol by volume unless the motor fuel is sold, consigned or distributed in a sealed container that contains one quart or less of the motor fuel. It also repeals a contingent prohibition on the sale of motor fuel containing more than 10% ethanol by volume.

**LD 893, An Act To Create an Updated**

**Unified Maine Climate Action Plan.** (Sen. Dill, D-Penobscot) *Joint Standing Committee on Energy, Utilities and Technology.* This bill requires the Department of Environmental Protection, working with the Maine Interagency Climate Adaptation Work Group, or MICA Work Group, and the University of Maine, to update the Maine Climate Action Plan developed in 2004 by the department. It requires the updated plan to address both mitigation and adaptation strategies. It requires the department and the MICA Work Group to convene a group of stakeholders to evaluate the mitigation and adaptation strategies in order to update the plan and it provides for internships for University of Maine students to work on the development and implementation of the updated plan. It authorizes the department to hire consultants. It requires the University of Maine System to develop and implement procedures for providing climate data to residents of the State. It also includes an appropriations and allocations section.

**LD 906, An Act Concerning Pavement Sealing Products.** (Rep. Daughtry, D-Brunswick) *Joint Standing Committee on Energy, Utilities and Technology.* This bill prohibits the sale of coal tar sealant products beginning October 1, 2020 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2021. The Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

### **LABOR**

**LD 819, An Act To Enhance the Predetermination of Independent Contractors.** (Rep. Sylvester, D-Portland) *Joint Standing Committee on Labor and Housing.* This bill requires a worker who is requesting predetermination of independent contractor status from the Workers' Compensation Board to submit all of the miscellaneous income forms provided by the United States Department of the Treasury, Internal Revenue Service received by the worker for the previous calendar year or, if the worker did not receive a miscellaneous income form for the previous year, an explanation as to why the worker did not receive a form.

**LD 857, An Act To Increase Accountability for Wage Violations.** (Rep. Collings, D-Portland) *Joint Standing Committee on Labor and Housing.* This bill amends the law regarding employment practices by increasing the fine for a violation of certain state wage and benefits laws to \$500 for the first violation and \$2,500 for each subsequent violation and by providing a private right of action for a person aggrieved of such a violation. It amends the law regarding employees' remedies to provide that in a judgment for an employee an additional amount of 3 times the unpaid wages must be awarded the employee. It also provides ongoing funds for 10 labor and safety

inspector positions within the Department of Labor, Bureau of Labor Standards, wage and hour division beginning October 1, 2019.

**LD 883, An Act To Establish the Opt-in Maine Paid Family Leave Insurance Program.** (Rep. Daughtry, D-Brunswick) *Joint Standing Committee on Labor and Housing.* This bill creates the Maine Paid Family Leave Insurance Program to provide wage-replacement benefits to persons who qualify for family medical leave. The program is funded by employee contributions and provides 2/3 of a person's average weekly wage or 100% of the state average weekly wage, whichever is lower, for up to 6 weeks in any 12-month period. Employee contributions are collected on a sliding scale based on wages.

### **MINIMUM WAGE**

**LD 808, An Act To Create a Youth Wage.** (Rep. Timberlake, R-Androscoggin) *Joint Standing Committee on Labor and Housing.* This bill establishes a minimum hourly wage for a person who is under 18 years of age and is enrolled as a student in a school. The wage is 75% of the regular minimum hourly wage.

**LD 830, An Act To Balance Maine's Minimum Wage for Small and Large Employers.** (Rep. Stetkis, R-Canaan) *Joint Standing Committee on Labor and Housing.* This bill establishes a minimum hourly wage for small employers that is less than the minimum hourly wage for large employers. Beginning October 1, 2019, for an employer with fewer than 50 full-time employees in Maine, the minimum hourly wage is established at \$10; the minimum hourly wage for an employer of at least 50 full-time employees in Maine remains at \$11 until January 1, 2021, when it increases to \$12. This bill also delays the indexing of the minimum hourly wage for cost-of-living adjustments by one year until 2022.

### **TAXATION**

**LD 854, An Act To Improve Tax Incentives for Broadband Service.** (Rep. Ackley, I-Monmouth) *Joint Standing Committee on Energy, Utilities and Technology.* This bill expands the allowable use of tax increment financing to include development, expansion or improvement of broadband services, including connecting to broadband service outside the tax increment financing district.

### **UTILITIES AND ENERGY**

**LD 807, An Act Regarding the Duties of the Public Advocate.** (Sen. Miramant, D-Knox) *Joint Standing Committee on Energy, Utilities and Technology.* This bill removes an exception to the Public Advocate's ability to petition to initiate, or intervene and appear in, any proceedings before the Public Utilities Commission, appeals from orders of the commission or proceedings before state and federal

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## New Legislation... (Continued from Page 6...)

agencies and courts in which the subject matter of the action affects the customers of any utility or competitive service provider doing business in the State. The exception the bill removes is the prohibition against the Public Advocate's intervening in any proceedings in which commission staff is representing a position substantially similar to that of the Public Advocate.

**LD 832, An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs.** (Rep. Evangelos, I-Friendship) *Joint Standing Committee on Energy, Utilities and Technology.* This bill requires that cable television system operators offer subscribers the option of purchasing access to cable channels or programs on cable channels individually.

**LD 834, An Act To Establish Minimum Service Standards for Electric Utilities.** (Rep. Higgins, I-Dover-Foxcroft) *Joint Standing Committee on Energy, Utilities and Technology.* This bill proposes to establish service interruption standards and require transmission and distribution utilities that do not meet these standards to take corrective action. The bill directs the Public Utilities Commission to require, by rule, transmission and distribution utilities to keep records and report service interruptions to the commission. It also requires a utility that experiences service interruptions at a rate that exceeds the statewide average service interruption rate by 50% or more to submit a plan for, implement and track corrective actions to address the service interruptions.

**LD 855, An Act To Strengthen the Maine Uniform Building and Energy Code.** (Rep. Caiazzo, D-Scarborough) *Joint Standing Committee on Energy, Utilities and Technology.* This bill requires that the Commissioner of Public Safety appoint a technical codes coordinator, an office specialist and a building codes trainer. It also requires that municipalities impose a \$3 surcharge on building permits and remit those funds to the Department of Public Safety to fund the Uniform Building Codes and Standards Fund.

**LD 912, An Act To Establish the Wood Energy Investment Program.** (President Jackson, D-Aroostook) *Joint Standing Committee on Energy, Utilities and Technology.* This bill establishes the wood energy investment fund and creates the Wood Energy Investment Program within the Efficiency Maine Trust. The bill specifies that, if the Public Utilities Commission finds that an entity awarded a contract for biomass resources pursuant to Public Law 2015, chapter 483 is not meeting contract requirements and therefore is not qualified to receive the full contract payment or any contract pay-

ment, those funds that would have been paid had contract requirements been met must be transferred to the wood energy investment fund. It also specifies that any funds remaining in the cost recovery fund established in Public Law 2015, chapter 483, section 1, subsection 5 that are not needed to pay above-market costs for biomass resources must also be transferred by the Public Utilities Commission to the wood energy investment fund. It requires the trust to use funds from the fund, if there are any, to provide incentives and low-interest or no-interest loans for new wood-derived thermal energy or cogeneration projects. It requires that the trust consult with the Finance Authority of Maine, when appropriate, in the development of any Wood Energy Investment Program incentives and the distribution of money from the wood energy investment fund. It prohibits the use of funds for incentives or loans for the refurbishment or maintenance of existing facilities.

### WORKERS' COMPENSATION

**LD 809, An Act To Expand and Clarify the Disqualification from Workers' Compensation Benefits of an Employee Who Is Injured While Under the Influence of Drugs or Alcohol.** (Sen. Cyrway, R-Kennebec) *Joint Standing Committee on Labor and Housing.* Under current law, workers' compensation benefits are not allowed for the injury or death of an employee when the injury or death was caused by the employee's intoxication. This bill eliminates that provision and instead disallows benefits for an employee who was intoxicated at the time of the injury or death. This bill also clarifies that intoxication includes intoxication from an illegal drug, marijuana or alcohol.

**LD 901, An Act To Clarify the Statute of Limitations under the Maine Workers' Compensation Act of 1992.** (Rep. Sylvester, D-Portland) *Joint Standing Committee on Labor and Housing.* This bill removes changes that were made by Public Law 2011, chapter 647 to the law governing the statute of limitations for workers' compensation claims and restores the law to the language that was held by the Law Court in *Wilson v. Bath Iron Works*, 942 A.2d 1237 (Me. 2008) to mean that, for purposes of filing a petition under the workers' compensation laws, the statute of limitations expires 2 years after the date of injury or 2 years after the date the employer files the first report of injury, whichever is later.

### WORKFORCE DEVELOPMENT

**LD 890, An Act To Expand Workforce Access by Creating Apprenticeship Programs To Increase Access to Licensure in Certain Occupations.** (Sen. Kiem, R-Oxford) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact

the Expanded Workforce Access Act of 2019, which will authorize the use of apprenticeships as an alternative means of obtaining licenses to perform certain occupations. Occupations included under this Act may include, but are not limited to, barbering or limited barbering and nail technology. This bill will expand access to the workforce by allowing individuals to fulfill licensing requirements through participation in apprenticeship programs, thus allowing participants to earn a paycheck at the same time as they acquire hands-on training and experience. Under this bill:

- 1 The licensing boards for the occupations that are included in this expanded apprenticeship program will grant licenses to applicants who meet criteria established by the Department of Professional and Financial Regulation;
- 2 The criteria established may include, without limitation:
  - A Successful completion of the 8th grade;
  - B Completion of an apprenticeship that is approved by the Department of Labor or the United States Department of Labor or in accordance with any applicable state or federal law. For purposes of this bill, "apprenticeship" is defined as a program that meets the federal guidelines set out in 29 United States Code, Section 50 and 29 Code of Federal Regulations, Part 29; and,
  - C Successful completion of any necessary examination, as determined by the Department of Professional and Financial Regulation. The passing score on an examination for a participant in the expanded apprenticeship model may not exceed the passing score that is otherwise required under the rules adopted by the applicable licensing board. If the rules adopted by the applicable licensing board do not otherwise require successful completion of an examination, an examination may not be required for participation in the expanded apprenticeship program.
- 3 The Department of Professional and Financial Regulation will be required to adopt rules necessary to implement the expanded apprenticeship program, including limitations on the length of and the numbers of hours required by each authorized apprenticeship.

**LD 895, An Act To Promote Economic Development through Research and Development.** (Sen. Lawrence, D-York) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* This bill provides ongoing funds to the Maine Economic Improvement Fund within the University of Maine System to support research and development. □

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## ***2019 Business Day at the Statehouse***



***Thurs., March 14 | 8:00 am to Noon | Hall of Flags,  
Second Floor, Maine State House, Augusta***

***EMPLOYERS AND EMPLOYEES WELCOME!  
PLEASE JOIN US!***

You are invited to the Maine State Chamber of Commerce's annual **Business Day at the Statehouse** on **Thurs., March 14** (Snow date: May 2), from **8:00 a.m. to 12:00 p.m.** in the **Hall of Flags** (Statehouse, Second Floor). Business Day at the Statehouse provides a prime opportunity for our members, and their employees, to discuss business issues and priorities with legislators and state government officials, as we work together to strengthen Maine's economy and keep Maine competitive.

Participants have the unique opportunity to connect face-to-face with legislators. Employers often use this time to emphasize the importance of preserving and retaining existing jobs, strengthening Maine's economy through the creation of new opportunities, and keeping Maine businesses competitive in today's economy. With your participation, the "Voice of Maine Business" will resonate throughout Augusta! We anticipate another great turnout this year! **Please RSVP** today by visiting [www.mainechamber.org](http://www.mainechamber.org). If you have additional questions, please email [lcaprara@mainechamber.org](mailto:lcaprara@mainechamber.org).

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