

June 2016

New overtime rules have huge implications for Maine employers

By Tony Derosby and Katy Rand of Pierce Atwood LLP



On Wed., June 22, Tony Derosby and Katy Rand from Pierce Atwood LLP shared details about the impending wage-and-hour changes proposed by the U.S. Department of Labor and its impact on their salaried and hourly workers with Maine employers (see page 4).

The United States Department of Labor (DOL) has issued a long-anticipated final rule overhauling the eligibility requirements for overtime exemption under the federal Fair Labor Standards Act (FLSA). Under the final rule released on May 18, the minimum salary required for “white collar” overtime exemption will increase from \$455 per week (\$23,660 for a full-year worker) to \$913 per week (\$47,476 for a full-year worker), and the salary will update automatically every three years to reflect the 40th percentile of earnings in the lowest-wage region of the country. These changes will have very significant implications for Maine employers.

The Current Rules...

Under the FLSA, unless specifically exempted, employees who work more than 40 hours in a workweek must receive overtime pay. The most widely utilized overtime exemptions are for so-called “white collar” workers who qualify as executives, professionals, and administrators under current DOL rules. To establish eligibility for exemption under the existing rules, an employer must be prepared to show that the employee meets a detailed “duties” test that is unique to each category, as well as a “salary basis” test that is common to all three categories. The core “duties” tests are:

- **Executives:** To qualify for exemption as an executive, the employee’s primary duty must consist of managing an enterprise, or managing a customarily recognized department or subdivision of the enterprise; the employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and the employee must have the authority to hire or fire other employees, or the employee’s suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status must be given particular weight.
- **Administrators:** To qualify for the administrative exemption, the employee’s primary duty must consist of the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer’s customers and the employee’s primary duty must include the exercise of discretion and independent judgment with respect to matters of significance.
- **Professionals:** To qualify for the professional exemption, the employee’s primary duty must consist of the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment; the advanced knowledge must be in a field of science or learning; and the advanced knowledge must be customarily acquired by a pro-

Continued on Page 4...

Inside Impact...

College Affordability	p. 10
E2 Tech News	p. 18
Energy Briefing	p. 9
InternHelpMe.com	p. 20
JMG Summer Academy	p. 11
Maine BLN	p. 16
Minimum Wage	p. 3
OPEGA Review	p. 5
Overtime Rules	p. 1, 4
Regional Meeting	p. 14
Teacher of the Year	p. 13
Workplace Wellness	p. 17

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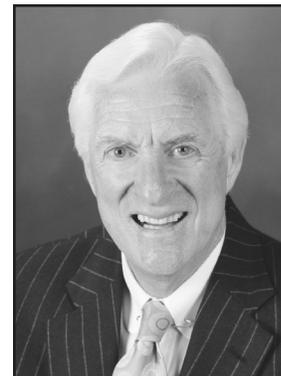
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A message from the president...

"It's not too soon to be thinking about the economic implications your vote has this November..."

by Dana Connors



As the campaign season heats up and the race to November 8 gains momentum, there are two issues on the upcoming ballot that have economic implications. In November, voters will be asked to consider the following two questions on critical topics for our state's economy:

QUESTION 2: An Act To Establish The Fund to Advance Public Kindergarten to Grade 12 Education. "Do you want to add a 3% tax on individual Maine taxable income above \$200,000 to create a state fund that would provide direct support for student learning in kindergarten through 12th grade public education?"

QUESTION 4: An Act to Raise the Minimum Wage. "Do you want to raise the minimum hourly wage of \$7.50 to \$9 in 2017, with annual \$1 increases up to \$12 in 2020, and annual cost-of-living increases thereafter; and do you want to raise the direct wage for service workers who receive tips from half the minimum wage to \$5 in 2017, with annual \$1 increases until it reaches the adjusted minimum wage?"

The first referendum question of interest to the business community establishes the "Fund to Advance Public Kindergarten to Grade 12 Education" for the purpose of improving the ability of the state to reach the annual target of 55%, as specified in statute, for the state share of the total cost of funding public education from kindergarten to grade 12, and for increasing direct support for student learning rather than administrative costs. Revenue for the fund is generated by a three percent tax on Maine taxable income – individual income as well as corporate income, including LLC's and s-corps – greater than \$200,000, beginning with tax years beginning on or after January 1, 2017. The issue of school funding is sensitive, especially given its significance to the success of our citizens and growth of our economy. To make matters more complicated, the current proposal makes changes to Maine's complex tax code, with the potential to create a rather bad situation. Many small businesses will fall under this corporate guideline, making the cost of doing business here higher yet.

The petition to raise the minimum wage seeks an increase to \$9.00 per hour in 2017 and by \$1.00 per hour each year after that until it is \$12.00 per hour in 2020. The minimum wage then increases at the same rate as the cost of living. Additionally, the minimum wage for workers who receive tips increases to \$5.00 per hour in 2017 and then by \$1.00 per hour each year until it matches the minimum wage for all other workers, which occurs no sooner than 2024. Mandated wage increases limit small business options, and tie employers' hands when it comes to making decisions that impact their employees.

In addition to the referendums there are the newly-released overtime regulations with which businesses must deal. While new federal overtime rules are needed, the new rules drastically overreach, and the timeframe for implementation is too compressed. Maine small businesses will be hard-pressed to meet this new challenge and still maintain their productivity.

While some of the policy elements of the pending referendum questions are based on sound potential, it's the details in these proposals that could negatively impact the bigger economic picture. The very nature of referenda does not allow for negotiation, compromise or adequate vetting, but instead requires a very definitive yes/no response. Determining complex issues, such as minimum wage and taxation policy, in this manner often results in detrimental unintended consequences. Your vote has significant economic implications this November, and we mustn't be too hasty to implement sweeping changes without consideration of the available data or the impact our decision might have on the citizens of Maine. □

Secretary of State rules on final wording of minimum wage question

While better, the pending question only accounts for some of the business community's concerns

Despite concerns expressed by a broad-based coalition of Maine employers and business organizations, including the Maine State Chamber of Commerce, the Maine Restaurant Association, and the Maine Innkeepers Association, the Secretary of State's (SOS) office has issued its final wording on this fall's citizen-initiated ballot question to raise the minimum wage, index it annually based on changes to the Consumer Price Index (CPI), and eliminate the "tip credit" used by restaurateurs in Maine.

In a press release dated June 23, 2016, Secretary of State Matthew Dunlap proposed the following wording on *An Act to Raise the Minimum Wage*:

"Do you want to raise the minimum hourly wage of \$7.50 to \$9 in 2017, with annual \$1 increases up to \$12 in 2020, and annual cost-of-living increases thereafter; and do you want to raise the direct wage for service workers who receive tips from half the minimum wage to \$5 in 2017, with annual \$1 increases until it reaches the adjusted minimum wage?"

While the new version does incorporate some of the changes sought by the Maine State Chamber and others, it falls short of thoroughly informing the voters as to what exactly they will be asked to approve in November.

In April, the SOS released the original draft version of the minimum wage question, allowing comment seekers until May 13 to provide input on the issue. As drafted, the initial version read:

"Do you want to raise the minimum hourly wage of \$7.50 to \$9.00 in 2017, and in \$1.00 increments up to \$12.00 in 2020; and to raise it for service workers who receive tips from the current rate of \$3.75 to \$5.00 in 2017, in \$1.00 increments up to \$12.00 in 2024?"

Most notably absent from that version of the question was the inclusion of indexing the minimum wage after 2020, and the use of the phrase "tip credit," or

noting that the "tip credit" will be totally eliminated, when describing the full impact of the question to voters.

Due to those concerns, the Maine State Chamber and Maine Restaurant and Innkeepers Associations submitted comments to the Secretary of State's office, along with the following suggested version of the question:

"For non-tipped employees, do you want to raise the minimum wage of \$7.50 to \$9.00 in 2017, and in \$1.00 increments up to \$12.00 an hour in 2020, and raise it thereby annually based on increases to the consumer price index, and do you want to eliminate the tip credit for service workers who receive tips, and increase their minimum wage so that the minimum wage for service workers increases to \$12.00 an hour by 2024?"

Earlier this month, in a press conference on this very important issue, Maine State Chamber of Commerce Vice President Peter Gore said, "Our organizations firmly hold the position that the current draft wording of the question fails to meet the standard of presenting the issue 'concisely and intelligibly' to the voters. Our proposed wording is both clearer and more complete than the Secretary of State's draft wording. Anything less does a disservice to voters, who deserve to know the entirety and full implications of any ballot question put before them."

While the new version of the question does include language indicating that the minimum wage will be indexed, it does not tell the voter on what yardstick those ongoing increases will be based. In addition, the new wording does not address the concerns restaurant owners have regarding the tip credit, and the impact eliminating the credit will have on them and their workers who currently receive tips as part of their recompense.

The Maine State Chamber believes that tying the minimum wage to the CPI, the mechanism by which the minimum wage in Maine will be adjusted upwards



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yearly after 2020, must be spelled out to voters in the question put forth to them, so that they understand that wage increases will be done automatically going forward. Additionally, eliminating the tip credit, which has been in place for decades, would result in a nearly 260 percent increase in the cost of employing tipped workers during the next few years. Such a steep increase over time will wipe out already slim profit margins, resulting in lay-offs and business closures, and businesses would be forced to increase costs to consumers to make up for their losses.

The question now moves forward to the voters on November 8, 2016. The Maine State Chamber will continue to follow this issue closely and be involved in the ballot effort to defeat this question at the polls. While we firmly believe the minimum wage in Maine should be increased, this initiative is not the method to accomplish the goal, and Maine people should reject it at the ballot box. For additional information or questions, please contact Peter Gore by calling (207) 623-4568, ext. 107, or by emailing pgore@mainechamber.org. □

Overtime Rule Change... (Continued from Page 1...)

longed course of specialized intellectual instruction.

In addition to satisfying the “duties” tests in a particular category, under current DOL rules, the employer must meet the “salary basis” test. The current “salary basis” requirement is that, in order to qualify for exemption, the employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week.

In order to meet the current “salary basis” requirements, with only narrow exceptions, the employee must receive a pre-determined amount each pay period in any week the employee performs work, regardless of the days or hours actually worked. The amount designated as the employee’s salary must be at least \$455 per week and the employee’s salary, as a general rule, may not be reduced for absences occasioned by the employer or for the quantity or quality of the employee’s work.

Changes under the New Rules...

The minimum salary required for overtime exemption will more than double under the new rules. The new minimum salary required for “white collar” overtime exemption will increase under the new rules from \$455 per week (\$23,660 for a full-year worker) to \$913 per week (\$47,476 for a full-year worker). In addition, the new rules require that the minimum salary threshold will update automatically every three years to reflect the 40th percentile of earnings in the lowest-wage region of the country. The “highly compensated employee” threshold will increase from \$100,000 to \$134,004, and under the new rules, qualifying non-discretionary bonuses and commissions can count for up to 10% of salary.

In effect, for many jobs, the new rules will make the minimum salary the central element of the “white collar” exemption. Under the existing rules, if an employee meets the “duties” tests as an executive, professional, or administrator, the employee can be exempt from federal overtime requirements if the employee is

Continued on Page 6...

Maine State Chamber hosts seminar to outline changes to overtime rule

Pierce Atwood attorneys discuss what changes will mean for Maine employers

On Wed., June 22, Maine employers learned more about the impending wage-and-hour changes proposed by the U.S. Department of Labor and its impact on their salaried and hourly workers. The new rule impacts which employees in the workplace are hourly and thereby eligible for overtime pay, and which employees are considered “salaried.” The new changes are complex (see in-depth article on page 1), and failure to understand and apply these rules could expose small businesses to expensive litigation and settlements.

Presenters Tony Derosby and Katy Rand from Pierce Atwood LLP covered the new salary requirements for “white collar” overtime exemption, timeline for implementation of the rule, legislative and legal challenges to the rule, strategies for employer compliance, and potential employer liability under the rule.

Thank you to our sponsors, Pierce Atwood and Cross Insurance, for helping us to inform Maine employers about these important changes to the federal rules. □



Government Oversight Committee to discuss open OPEGA recommendations on economic development programs

On Thursday, June 23, the Government Oversight Committee (GOC) met with the Office of Program Evaluation and Government Accountability (OPEGA) to continue discussions on potential legislation for next session and to focus on better defining the term “economic development program.”

The GOC has been considering introducing legislation next session to make statutory changes to implement certain specific actions, including:

- 1 To combine the separate statutorily-required evaluation of research and development programs and the comprehensive economic development evaluation into one evaluation (statutory change);
- 2 To establish a timeline for the evaluation that provides increased opportunity for legislative review, consideration and action on reported results or related initiatives proposed by DECD, and to change due dates to odd-numbered years on a four-year cycle (statutory change);
- 3 To ensure there is an adequate level of funding available to accomplish the evaluation on the desired timeline (reconsideration of current funding mechanisms established in 5 MRSA §§13056-C.3 and 13109.4, and a possible statutory change);
- 4 To further define and clarify scope and expectations for the DECD evaluation (possible statutory change to 5 MRSA §§13056-A and 13107);
- 5 To require that a formal, public, current economic development strategy be developed and maintained as part of the scope of the evaluation in determining how well the state is achieving its economic development goals and objectives. A statutory change may be needed to make this a responsibility of DECD. It may also be possible to instead require an evaluation process that addresses to some degree the *Measures of Growth* tracked by Maine Development Foundation;
- 6 To establish function, process and tools for DECD to efficiently and regularly collect from benefitting

organizations the data and information needed to monitor and evaluate program activity and effectiveness for all economic development programs in the state’s portfolio / inventory. This may require a statutory change for additional DECD resources on an on-going basis and one-time resources to design and build the process and tools that would support this function, including determining what data needs to be collected;

- 7 To establish a mechanism that gives DECD, and others as necessary, the authority and clout to compel organizations to provide the data requested (statutory change);
- 8 To establish expectation and process for ensuring that DECD evaluations of economic development programs and OPEGA evaluations of tax expenditures are coordinated and complementary, rather than duplicative (statutory change); and,
- 9 To establish expectation, responsibilities and mechanism for ensuring results and recommendations from DECD evaluations are considered and acted on as appropriate by the Administration and/or Legislature (statutory change).

The Maine State Chamber has offered comments in the past regarding the recommendations. Initially, the GOC discussed initiating legislation to deal with a couple of the items above earlier this year. However, upon OPEGA’s recommendation, the GOC decided to wait until next legislative session to put legislation in dealing with all of the above recommendations. The GOC is expected to continue to discuss these recommendations during the next several months. The Maine State Chamber will, of course, be monitoring these proceedings.

Other Issues of Interest that deal with Tax Expenditures...

- “Necessities of Life” Expenditures: Beginning July 1, the Taxation com-

Continued on Page 7...



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Overtime Rule Change... (Continued from Page 4...)

paid on a salary basis at a rate of at least \$455/week. Under the new rules, even if the employee continues to meet the “duties” test for exemption as an executive, professional or administrator, the employee will not qualify for overtime exemption unless the employee is paid on a salary basis at a rate of at least \$913/week, and this minimum will increase every three years.

DOL estimates that, under the new rule, more than 4 million workers currently treated as exempt from overtime will become eligible to receive overtime.

Implications for Maine Employers...

The new rule will have profound implications for Maine employers. Affected employees will include first-line supervisors, department heads, retail and service managers, financial and human resources administrators, office managers, and facility administrators, among others.

According to the DOL/ETA online wage library, for example, the average entry-level wage for first-line supervisors in office and administrative support environments in the Lewiston-Auburn area is \$36,338/year, substantially above the current \$23,660/year salary threshold, but substantially below the new \$47,476/year salary threshold. In fact, according to the DOL/ETA data, only the most senior and highly-skilled employees working as first-line supervisors in office and administrative support environments in the Lewiston-Auburn area average more than \$47,965/year, which means most first-line supervisors in office and administrative support environments in the Lewiston-Auburn area will no longer qualify for overtime exemption at their current salaries under the new rule and, for many of these employees, the “gap” may be more than \$11,000/year, or more than 20% of the employee’s current annual compensation.

The new rules may have a disproportionate impact on some industries in Maine, including, for example, retail sales and service, restaurants, hospitality, tourism, and recreation. According to the DOL/ETA online wage library, the average entry-level wage for first line supervi-



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sors in retail sales environments in the Lewiston-Auburn area is \$26,125/year, above the current \$23,660/year salary threshold, but more than \$20,000/year below the new \$47,476/year salary threshold. According to the same DOL/ETA data, the average entry-level wage for chefs and head cooks in the Lewiston-Auburn area is \$30,909/year, above the current \$23,660/year salary threshold, but more than \$16,000/year below the new \$47,476/year salary threshold. The DOL/ETA data indicates that the average wage for even the most senior and highly-skilled lodging managers in the Lewiston-Auburn area is \$47,362/year, well above the current \$23,660/year salary threshold, but still below the new \$47,476/year salary threshold.

Although the new rule ties the minimum salary to the average wage in the lowest wage region of the country, the new rule still will have a disproportionate impact because of variations in wage rates in local labor markets. For example, according to the DOL/ETA online wage library, the average entry-level wage for an administrative service manager in

Boston is \$61,547/year (substantially above the new \$47,476/year threshold), while in Northeast Maine the average entry-level wage for an administrative service manager is \$41,309/year (substantially below the \$47,476/year threshold). The impact of the new rules will be especially acute in more remote markets, such as those in Northern and Western Maine.

The Timeline...

The effective date of the final rule is December 1, 2016, and employers must either meet the new salary requirements or treat the employee as non-exempt by that date. Future automatic salary updates will occur every three years, beginning January 1, 2020.

What Should You Do to Prepare?

Employers should begin now (if they haven’t already) to identify salary-exempt positions in their organizations that will not meet the new salary threshold and identify the “gaps” in these positions between current compensation and the new salary threshold. This will help the

Continued on Page 7...

OPEGA Update...

(Continued from Page 5...)

mittee is required to begin its own expedited review of tax expenditures on sales and use tax expenditures that constitute the category of “necessities of life.” These expenditures include sales tax exemptions for items like groceries, prescription drugs, fuels for cooking and heating homes, prosthetic devices, meals served to patients in hospitals and nursing homes, certain residential fuels, water used in private residences, rental charges for living quarters in nursing homes and hospitals, gas used for cooking and heating in residences, rental charges on continuous residence for more than 28 days, funeral services, diabetic services, and positive airway equipment and sales. The review has not yet been scheduled but the Maine State Chamber will be monitoring these meetings.

- **OPEGA Tax Expenditure Reviews:** Pursuant to Public Law c. 344, OPEGA is currently conducting tax

expenditure reviews on three tax programs: Employment Tax Increment Financing (ETIF), Pine Tree Development Zone Program (PTZ), and New Markets Tax Credit. OPEGA is expected to complete these reviews by December 31, 2016, with a report back to the GOC and the Taxation committee. The law requires OPEGA to seek stakeholder input on the report. Once the report is completed, the GOC will review and assess the report, then vote on whether or not to endorse it. Beginning in June 1, 2017, that vote will be forwarded to the Taxation committee along with any comments or actions recommended by the GOC. By December 1, 2017, the Taxation committee shall submit a report to the Legislature on its activities along with any recommendations. The Taxation committee also has the authority to report out legislation to implement any recommendations.

If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing lcaprara@mainechamber.org. □

Overtime Rule Change...

(Continued from Page 6...)

employer project the increased payroll cost if the employer elects to maintain overtime exemption by meeting the new salary requirement.

Employers should be preparing compensation models for “gap” positions to establish hourly rates and projected overtime liability if the job was converted to hourly. Employers will typically start this modeling process by prorating the employee’s current salary over the employee’s projected hours to determine an hourly rate of pay, then projecting the annual compensation if the employee received this hourly rate, plus overtime. This will require employers to develop data about the employee’s work hours, which may pose a challenge because, for many salary-exempt positions, the employer does not track hours.

Employers will want to consider whether, with conversions to hourly, the employer may need to reallocate work (and possibly hire) to minimize overtime liability. Employers will also want to begin modeling total impact on the organization’s labor costs, considering, for example, whether increases in entry-level salaries will necessitate across-the-board adjustments in salary, or “push” adjustments within selected job classifications. Employers will also want to review benefits plans and employee documents, such as employee handbooks, to make sure these reflect compensation and classification changes.

In many Maine businesses, the total impact on labor costs could be significant and may require the organization to reassess allocation of all business costs, budgets, pricing, and the employer’s overall business model.

If you have questions about the new rules and how it may affect your business, please contact Tony Derosby by calling (207) 791-1343 or by emailing aderosby@pierceatwood.com, or Katy Rand by calling (207) 791-1267 or emailing krand@pierceatwood.com. □

Pierce Atwood is a full-service law firm with attorneys practicing employment law in Maine, New Hampshire, Massachusetts and Rhode Island.

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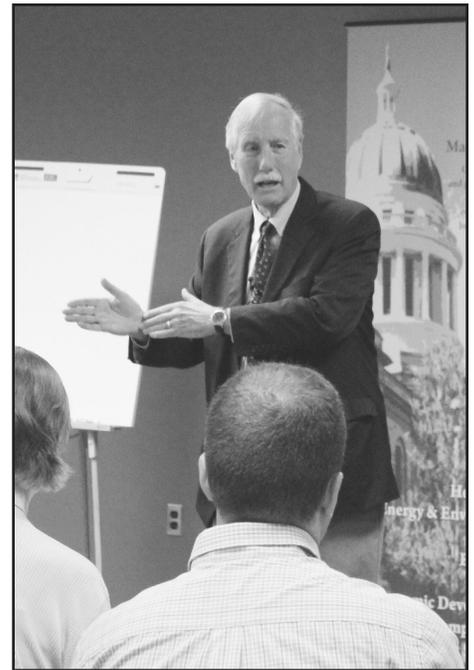
Maine State Chamber hosts energy briefing with Senator Angus King

Chamber members hear about federal energy issues directly from U.S. Sen. King, who serves on the U.S. Senate Committee on Energy and Natural Resources

Our nation's energy policy has an impact on every business in Maine and when we survey Maine businesses, energy is always in the top three of the issues of concern for the business community. On the morning of June 27, the Maine State Chamber hosted an exclusive Energy Briefing with U.S. Senator Angus King at Texas Instruments in South Portland. Senator King serves on the U.S. Senate's Committee on Energy and Natural Resources and brings firsthand knowledge of national energy issues and some of the key legislation they are currently dealing with in Washington. It was a unique opportunity for Maine Chamber members to hear from Senator King whose service on the Senate Committee on Energy and Natural Resources Committee is Maine first senator to serve on in the modern committee era - in 1977

the committee was restructured from what was known as the Committee on Interior and Insular Affairs.

During the discussion, Senator King spoke of the committee's current work on the Energy Policy Modernization Act of 2015 and the direction the committee is taking. He also spoke of the importance of cyber security as it relates to our electric grid. Those who attended heard a comprehensive briefing from the Senator that touched upon a wide range of topics from transportation to electricity to oil to nuclear to natural gas to hydro to wind to solar along with Senator King's wit in between such technical topics. The Maine State Chamber of Commerce would like to thank Texas Instruments for hosting the event and thank Senator King for taking the time out of his busy schedule brief our members. □



U.S. Sen. Angus King spoke of the committee's current work on the Energy Policy Modernization Act of 2015 as well as the importance of cyber security as it relates to our electric grid. He also provided attendees with a comprehensive briefing about a wide range of energy topics from transportation to electricity to oil to nuclear to natural gas to hydro to wind to solar.



Maine State Chamber President Dana Connors introduces U.S. Senator Angus King during an exclusive Energy Briefing at Texas Instruments in South Portland on the morning of June 27.

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Maine State Chamber and Educate Maine release policy brief on strategies to make college more affordable

The six strategies outlined in the brief aim to equalize Maine college costs and student debt with New England by 2019

The Maine State Chamber of Commerce and Educate Maine released a policy brief recently outlining six strategies (including 11 actions) to make college more affordable in Maine. The “College Affordability for Maine” brief is the first in a series of reports designed to achieve the goals laid out in Educate Maine’s “Education Indicators for Maine 2015” report.

The goal of the six strategies in “College Affordability for Maine” is to equalize Maine and other states in New England in the proportion of income spent for college, and the proportion of income spent for debt, by 2019. Maine students currently pay a higher proportion of their income for college than their counterparts in other New England states, and have a higher per capita debt as a proportion of income when they graduate. Currently, Maine ranks eighth nationally in terms of the share of students borrowing money to attend college, and sixth nationally in terms of the amount of debt they have upon leaving college.

“Of all of the strategies to strengthen and grow Maine’s economy, education – including postsecondary education – has the greatest return on investment,” said Maine State Chamber of Commerce President Dana Connors. “We are pleased to partner with Educate Maine to outline strategies to make college more affordable, as a quality education opens pathways to promising careers, and improves Maine’s economy by increasing the quality of our workforce.”

“Our economy requires that more and more people have some kind of education

Continued on Page 12...

Nominations open for 2016 Governor’s Award for Business Excellence

The Maine Department of Economic and Community Development (DECD) is accepting nominations for the 2016 Governor’s Award for Business Excellence.

“Every year I look forward to recognizing Maine businesses that go above and beyond and demonstrate a commitment to investment, innovation, employees, and communities,” said Governor Paul R. LePage. “I am proud to present the Governor’s Award for Business Excellence to those companies with outstanding leadership and direction. These businesses are a model of success in our state and deserve special recognition.”

Business excellence is epitomized by a combination of manufacturing and service excellence and a steadfast commitment to employees, customers and the community. This award is presented to for-profit companies that consistently demonstrate high levels of attentiveness and dedication in each of these areas.

“For the past 25 years, the Governor of the State of Maine has been honoring Maine’s premier employers with the Governor’s

Award for Business Excellence,” said DECD Commissioner George Gervais. “We encourage any of Maine’s for-profit businesses to consider applying for recognition.”

Companies that have been in business in Maine for five or more years may be nominated or may nominate themselves. DECD strongly encourages businesses of all sizes to apply. Available on DECD’s website at www.maine.gov/decd/start-grow/business-excellence, **completed nomination forms are due to the department by Friday, July 29**. Winners will be notified prior to an award ceremony to be scheduled in the fall of 2016.

Sponsored by FairPoint, the Governor’s Award for Business Excellence was created in 1991, and 138 companies to date have received the award. DECD is proud to administer the excellence awards and to work with the Governor’s office and review team to evaluate and score the applications. For more information on the award, please visit www.maine.gov/decd/start-grow/business-excellence or email Lisa Poulin at lisa.poulin@maine.gov. □

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A new college prep program is underway in Maine, and students get all the credit

The JMG Summer Academy ensures more high school students are ready for college

A group of high school students from across the state did something a little radical during their first full week of vacation this week. Instead of hitting the beach, hanging out on Snapchat, or starting a summer job, 26 juniors in the Jobs for Maine's Graduates (JMG) program, spent that week immersed in a challenging college intensive program. The new *JMG Summer Academy* was developed by JMG, hosted at Thomas College in Waterville, and designed to give students the chance to experience college life, first-hand.

"It was tough, but I'm so glad I did it," says Ava Tootil, a JMG Summer Academy student from Winslow High School. "Almost every waking hour was devoted to making sure that when we go to college, we'll be ready. We slept in the dorms and ate in the cafeteria. During the day we took an Introduction to Computer Application course taught by a Thomas College professor. In the evening, we had structured study time and access to tutors. It was a lot of

work, but it was definitely worth it."

By taking the college-level course, Tootil and the other students walked away from the JMG Summer Academy with three college credits under their belts before they even begin their senior year of high school. These credits will be accepted at whichever college they choose attend.

"Thomas College is honored to be a part of providing Maine high school students a taste of college life," said Thomas College President Laurie Lachance. "It was so refreshing to see students on campus this week taking classes, staying in our residence halls and working with our faculty and staff. Early college access and affordability are so important, and we are happy these students were able to receive college credit and the experience of being on a college campus at no cost to the student."

The JMG Summer Academy is an important component of JMG's comprehensive College Success Program. The pro-

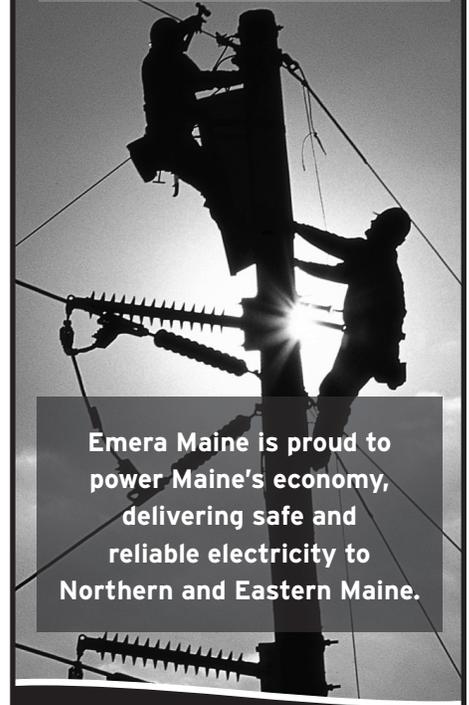
Continued on Page 12...



JMG students celebrate completing the very first JMG Summer Academy session at Thomas College with Governor Paul LePage; JMG CEO Craig Larrabee; Thomas College President Laurie Lachance; Education Commissioner Bill Beardsley; Labor Commissioner Jeanne Paquette; Health and Human Services Commissioner Mary Mayhew; Greg Powell, board chair of Harold Alfond Foundation; Tony Cipollone, President & CEO of John T Gorman Foundation; Larry Sterrs, chair and CEO of Unity Foundation; Wendy Ault, executive director of MELMAC Education Foundation; Maj. Gen. Bill Libby; Walter Corey, president of the Maine Leadership Institute; and, Kim Lipp, JMG executive vice president.

For the most current information, visit www.mainechamber.org

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College Affordability... (Continued from Page 10...)

beyond high school," said Ed Cervone, executive director of Educate Maine. "Making postsecondary education affordable for Maine people will lead to good jobs, career pathways, and economic growth."

The six strategies identified in the report aim to 1) make debt easier for students to handle, 2) keep state support for higher education consistent, 3) increase college completion rates, 4) educate students and parents about financing college, 5) have emergency help available to enable students to stay in school, and 6) learn from bold ideas from around the country. The 11 actions listed under those strategies are a focused list of best practices that will help make college more affordable for more Maine people.

The full brief can be found online at http://www.mainechamber.org/documents/miscdocs/EDME_College-Affordability-Brief2016.pdf. For more information on Educate Maine's "Education Indicators for Maine 2015" report, please visit www.educatemaine.org. □

JMG Summer Academy... (Continued from Page 11...)

gram works with college-bound JMG high school students, foster care youth and others, to ensure they are ready for college, and once they are on campus, ensures they stay in school and earn a degree. There are currently about 2,500 high school students and 250 college students across Maine being served by the College Success Program.

"We recognize we are creating a new approach," says Craig Larrabee, JMG's President and CEO. "There is no other organization or program in Maine, or in the country, that provides this kind of continuum of support, from freshman year in high school to college graduation and into the workforce. And, it is the willingness of our partners to collaborate on this program, including many of Maine's high schools and colleges, as well as the generosity of the program's funders, that will allow more Maine students to succeed."

JMG's College Success Program, including the JMG Summer Academy, is a public-private partnership funded by the

Governor and legislature, as well as private foundations, including the Harold Alfond Foundation, the John T. Gorman Foundation, the Unity Foundation, the Boston Foundation, the MELMAC Education Foundation, and the Lloyd G. Balfour Foundation, Bank of America N.A., Trustee. Each of these partners is committed to seeing more Maine students succeed.

Storm Hebert, a JMG Summer Academy student from Dexter Regional High School, says, "The best way to describe what I got out of the Summer Academy is that I just feel more comfortable about taking this big step. No one else in my family has been to college – and now I have. I've taken a real course with a college professor; I've slept in a dorm room; and, I've found my way around campus. I'm ready." □

JMG is a statewide, private nonprofit working with students who face barriers to education. JMG provides 5,500 students a year with the skills and experience they will need to succeed in high school, post-secondary education, and careers. JMG graduates become engaging members of their communities, productive adults in the workforce, and contributors to Maine's economy.

Fifteen educators recognized as Maine's 2016 County Teachers of the Year

Eight finalists named for Maine Teacher of the Year honor

In May, Teachers of the Year for each of Maine's counties were announced in a formal State House Hall of Flags ceremony. From Kingfield to Princeton, from Limestone to South Berwick, from a field of 300 nominees, an outstanding Teacher of the Year has been announced for 15 of Maine's 16 counties. This week, eight of those fifteen were named as finalists for the Maine Teacher of the Year.

Maine's County Teachers of the Year serve as ambassadors for teachers, students and the efforts underway in Maine's public schools to better prepare graduates for success in college, career and civic life. During their term, they are available to make presentations to local and regional audiences. The 2016 County Teachers of the Year are:

- **Aroostook:** Michael McCartney, Maine School of Science and Mathematics, Limestone;
- **Androscoggin:** Michael Hayashida, Poland Regional High School;
- **Cumberland:** Morgan Cuthbert, Harrison Middle School, Yarmouth;
- **Franklin:** Selina Warren, Kingfield Elementary School;
- **Hancock:** Rebecca Tapley, Brooklin Elementary School;
- **Kennebec:** Andrew Forster, Messalonskee High School, Oakland;
- **Knox:** Beth Heidemann, Cushing Community School;
- **Lincoln:** Erica Atkinson, Dresden Elementary School;
- **Oxford:** Joseph Cummings, Oxford Hills Middle School;
- **Penobscot:** Cherrie MacInnes, Brewer Community School;
- **Sagadahoc:** Lawrence Kovacs, Bath Middle School;
- **Somerset:** Tamara Ranger, Skowhegan Area Middle School;
- **Waldo:** Kristen Kelley, Islesboro Central School;
- **Washington:** Jane Andrews, Princeton Elementary School; and,
- **York:** Pamela Starkey, Marshwood Great Works School, So. Berwick.

These 15 educators continued forward in an intensive selection process that included the creation of a video showcasing their classroom instructional practices, portfolio development and review, school visits, and an interview with a state review panel. Selected from among the 2016 County Teachers of the Year, eight semifinalists for the Maine 2017 Teacher of the Year were announced by state education officials on Thursday, June 23. The semifinalists are:

- **Aroostook:** Michael McCartney, Maine School of Science and Mathematics, Limestone. He teaches English, fitness, history, and first-year seminar.
- **Cumberland:** Morgan Cuthbert, a seventh-grade math and science teacher at Harrison Middle School, Yarmouth.
- **Franklin:** Selina Warren, a second-grade teacher at Kingfield Elementary School, Kingfield.
- **Hancock:** Rebecca Tapley, who teaches all subjects for grades 4-8 at Brooklin Elementary School, Brooklin.
- **Kennebec:** Andrew Forster, Messalonskee High School, Oakland. He teaches band, music production, independent study and jazz band.
- **Knox:** Beth Heidemann, a kindergarten teacher at Cushing Community School, Cushing.
- **Penobscot:** Cherrie MacInnes, a third-grade teacher at Brewer Community School, Brewer.
- **Somerset:** Tamara Ranger, who teaches English to grades 7-8 at Skowhegan Area Middle School, Skowhegan.

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The eight will now go through a portfolio review and oral presentation before three finalists are selected. At the end of this review, three state finalists will be chosen, and ultimately the 2017 Maine Teacher of the Year will be selected and named by Maine's top education officials at a surprise all-school assembly this fall.

Maine Teacher of the Year is a program of the Maine Department of Education, administered by Educate Maine, a business-led organization working to ensure Maine's students and workers are the best educated and highly skilled in the world. Funding for the program is generously provided by Hannaford, Geiger, Bangor Savings Bank, and Dead River, with support from the State Board of Education and the Maine State Teacher of the Year Association.

For more information, visit www.maine.gov/doe/toy/. You may also contact Educate Maine Program Director Dolly Sullivan by calling (207) 631-3385 or by emailing dolly@educatemaine.org, or Maine Department of Education Communications Director Anne Gabbianelli by calling (207) 624-6747 or by emailing anne.gabbianelli@maine.gov. □



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Regional Business Leadership Meeting gathers employers in Oxford Hills region

On Tuesday, June 28, the Maine State Chamber hosted the last of its 2106 Regional Meeting series in Oxford Hills at the Norway Brewing Company. The Oxford Hills meeting was followed by a Regional Strictly Social networking event in conjunction with the Oxford Hills Chamber and the Bethel Area Chamber.

Other Regional Business Meetings for the 2016 series were held in April and May in Auburn, Bangor, Presque Isle, and Portland. Each event gathers local business leaders to get their valuable insight about business issues that affect their businesses, their community and the state. Their unique input helps us to make recommendations and identify opportunities for moving Maine's economic future in a positive direction.

For more information about our Regional Meeting series, please contact Amy Downing by calling (207) 623-4568, ext. 104, or by emailing adowning@mainechamber.org. □



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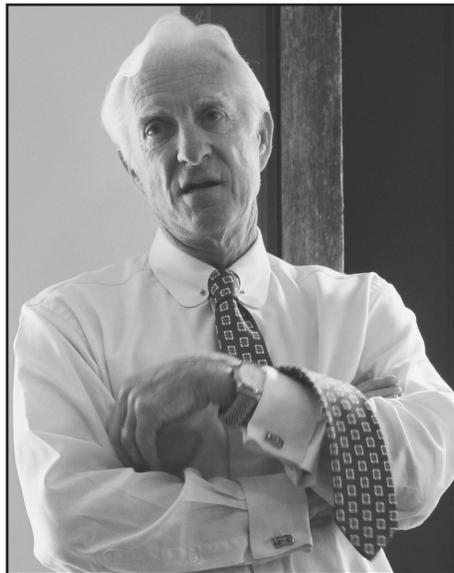


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Regional panels help employers with best practices for hiring people with disabilities

On Wednesday, June 29, the Maine Business Leadership Network (MEBLN), in partnership with the Maine State Chamber of Commerce held a panel discussion in the Oxford Hills Region entitled *Business Leadership and Disability Inclusion: It's creative; it's the right thing to do; and, it makes business sense!*

As businesses in Maine are seeing an increase in retiring workers, they continue to struggle to recruit and retain employees with the needed skills. One talent pool they may not be tapping into is people with disabilities. Maine has a higher proportion of people with disabilities than the rest of the country, and these individuals represent a willing, *able* workforce. We know the word *disability* for many employers can be a scary one, so the MEBLN is hosting a series of panel discussions featuring employers from the region to share their real-life success stories. The employers talk very candidly about the strategies they use to look beyond individual disabilities in their hiring practices, the partnerships that helped them along the way, and how hiring people with disabilities has increased their production and overall company morale.

The recent panel in Oxford included Dana Bullen, president and general manager of Sunday River; Melanie Wright,

store manager of the Oxford Walmart; and, Dylan Volk. Dylan was diagnosed with Asperger's Syndrome at the age of eight. Now as a young adult navigating in the "real world," he provides an interesting perspective and insight into the challenges he's faced in his journey through various jobs. Dylan and his dad, Derek Volk, co-wrote a book called "Chasing the Rabbit: A Dad's Life Raising a son on the Autism Spectrum."

The event was the first of three that will be held in various regions across the state. For more information about the MEBLN, as well as upcoming events or how your business can get involved, please visit www.mainebln.org.

The Maine Business Leadership Network (BLN) is an affiliate of the Maine State Chamber of Commerce. It is a statewide, employer-driven program designed for business leaders to promote hiring practices that enable qualified people with disabilities to enter and succeed in the workplace. The program is sponsored in part by the US Department of Labor, Employment and Training Administration. For more information, please contact Amy Downing at the Maine State Chamber by calling (207) 623-4568, ext. 104, or by emailing adowning@mainechamber.org. □



The recent "Business Leadership and Disability Inclusion: It's creative; it's the right thing to do; and, it makes business sense!" panel in the Oxford Hills region included (from left to right) Dana Bullen of Sunday River, author Dylan Volk, Dana Connors of the Maine State Chamber, and Melanie Wright of the Oxford Walmart.

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Here are some ideas to promote preventive care in your workplace:

- **Offer health screenings on-site.** Save your employees time by hosting flu shot clinics, and cholesterol and blood pressure screenings, right at your workplace.
- **Share personal stories.** Ask for volunteers who’ve benefited from a wellness visit or checkup to tell their story. Your employees are more likely to read about their teammates and take their stories to heart when it’s someone they know or can relate to.

Take time to check out *Time Well Spent* today for all your workplace wellness needs. When employees feel good, they tend to perform better. That’s why most Chamber BlueOptions’ plans come with employee discounts on health products and services, as well as an online health and fitness program. Just contact your Anthem-appointed insurance producer for more information, or go to the Chamber’s BlueOptions web page (www.mainechamber.org/blueoptions) to find a producer.

For more information on the Chamber BlueOptions health plan, please contact Joyce LaRoche, executive director of the Maine State Chamber Purchasing Alliance, by calling (207) 623-4568, ext. 113, or by emailing jlaroche@mainechamber.org, or Amy Downing, program coordinator, by calling (207) 623-4568, ext. 104 or by emailing adowning@mainechamber.org. □

* Resources provided by Anthem.com. This information is intended for educational purposes only, and should not be interpreted as medical advice. Please consult your physician for advice about changes that may affect your health

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Maine breaks into Top 20 on 2016 U.S. CleanTech Leadership Index

For more information, please contact Jeff Marks, executive director of the Environmental & Energy Technology Council of Maine, by calling (207) 956-1970 or emailing jeffmarks@e2tech.org, or visit www.e2tech.org.

The 2016 U.S. CleanTech Leadership Index – a data-based comparison of all 50 states among 70 technology, capital, and policy indicators – finds that Maine improved its ranking from 22nd to 18th since 2015 and surged ahead 11 places since 2014. Data is included on clean-energy generation, green building deployment, energy efficiency expenditures, venture capital investments, and policy implementation.

The state jumped from 15th in 2015 to 9th in 2016 in Technology, and from 27th to 19th in Policy. According to the Index,

“Maine, the national leader in biomass generation, joins the top 10 for the first time this year at number 9 after three years at 15th; back in 2010, the state was a lowly 31st.” However, Nevada overtook Maine as the leader in smart meter market penetration, and the state fell one place in Capital from 24th to 25th since last year. The full report can be downloaded at <http://cleanedge.com/reports/2016-US-Clean-Tech-Leadership-Index>.

According to E2Tech Executive Director Jeff Marks, “The new CleanTech Leadership Index follows other recent reports demonstrating that Maine’s wind, tidal, and biomass resources position the state for economic progress throughout its alternative energy sector. For example, the Maine Technology Institute’s 2014 report, *Re-Examining Maine’s Economic Position, Innovation Ecosystem and Prospects for Growth in its Technology-Intensive Clusters*, found that the alternative energy cluster is one of the fastest growing, with job gains of 11.9% from 2007 to 2012. The clean energy sector has higher than average wages, is growing faster than other technology sectors, and is positioned to flourish under the right conditions. The growth of clean technology overall has outpaced the overall Maine economy and businesses are expanding and expect positive growth in the future.”

E2Tech Board Chair and Perkins Thompson Partner Jim Katsiaficas adds, “For those of us who work to promote Maine’s CleanTech economy – E2Tech, Maine Technology Institute, among other organizations – and for the many new and growing Maine businesses in this sector, it is encouraging to see the results of this work recognized. At the same time, though, Massachusetts (2), Vermont (3), Connecticut (8), Rhode Island (12) and New Hampshire (16) all are doing better in this area, and so we in Maine have to do more to catch up with CleanTech business development in the other New England states.”

Marks credited leading Maine businesses and technologies, like Pika Energy’s clean power electronics, Ocean Renewable Power Company’s tidal energy systems, and Rapport’s sustainability software, for enabling the growth of the sector but cautioned that “Maine must retain its leading position through continued policy support for renewable energy, energy efficiency and environmental initiatives. Certainty in the policy framework is a critical component of future business and economic development planning and helps steer private investment to innovation in the sector. It is important to publicize Maine’s technology and policy accomplishments to regional, national, and global investors to demonstrate our commitment to the strength of our clean technology sector.” □

RANK	+/-	STATE	LEADERSHIP SCORE
1	0	California	89.7
2	0	Massachusetts	76.0
3	3	Vermont	70.6
4	-1	Oregon	69.5
5	0	New York	62.5
6	-2	Colorado	58.6
7	1	Illinois	57.1
8	-1	Connecticut	56.0
9	0	Washington	55.2
10	0	Hawaii	53.2
11	5	Maryland	48.5
12	5	Rhode Island	48.3
13	-2	New Mexico	47.4
14	-1	Michigan	47.0
15	0	Minnesota	46.8
16	-4	New Hampshire	46.0
17	-3	New Jersey	44.0
18	4	Maine	39.7
19	-1	Delaware	39.1
20	1	Pennsylvania	34.5
21	2	North Carolina	34.4
22	-2	Texas	33.9
23	1	Iowa	33.5
24	5	Virginia	32.9
25	1	Ohio	32.6
26	-7	Nevada	32.1
27	1	Georgia	31.6
28	-3	Arizona	31.3
29	1	Wisconsin	30.9
30	-3	Utah	30.0
31	0	Montana	27.0
32	3	Idaho	25.7
33	-1	Indiana	24.9
34	3	South Carolina	24.4
35	6	Kentucky	21.9
36	3	South Dakota	21.1
37	1	Oklahoma	21.0
38	4	Arkansas	20.3
39	-6	Missouri	20.2
40	-6	Tennessee	20.2
41	2	Florida	19.7
42	-6	Kansas	19.2
43	-3	Louisiana	16.7
44	1	Alabama	13.9
45	5	Nebraska	12.6
46	-2	Wyoming	11.3
47	1	Alaska	10.8
48	-1	North Dakota	9.7
49	0	Mississippi	9.2
50	-4	West Virginia	9.0

Three Maine companies accepted into CleanTech Open Northeast and MassChallenge classes for 2016

Delta Dewatering and F.E. Wood Natural Energy, two early-stage companies from Maine, were accepted to the CleanTech Open Northeast's (CTONE) Class of 2016. Surge Hydro was the only Maine company accepted into both the 2016 CTONE and MassChallenge business competition. E2Tech is the Maine Director of CTONE and works with the Maine Technology Institute and U.S. Small Business Administration Growth Accelerator Fund to connect companies with the accelerator program.

The CleanTech Open is the world's largest cleantech accelerator with a mission to find, fund, and foster entrepreneurs with big ideas that address today's most urgent energy, environmental and economic challenges. Since 2005, more than 1,000 startups have participated in its annual accelerator and mentorship program in the United States alone, raising a total of more than \$1.2 billion and creating thousands of jobs. The program provides extensive mentoring, training, business clinics, access to investors and capital, and numerous opportunities to showcase to the media and the public. MassChallenge is a similar global accelerator program for top-notch startup companies in all fields.

Eight Maine companies participated in the CTONE in the previous four years. Two of those companies, Pika Energy and Rapport, won northeast regional competition against entrepreneurs in New England, New Jersey, New York, and Pennsylvania and went on to compete against companies across the United States. This year's semi-finalists include the following:

- Delta Dewatering LLC (South Portland, ME) is an environmental services company that provides cost-effective, innovative technology solutions for the purpose of cleaning water.
- F.E. Wood Natural Energy (Portland, ME) has developed a shovel-ready project to supply high quality wood pellet fuel to the growing renewable heating market in the Northeast. Their project will create 20 high paying jobs in rural Maine, create demand for wood in a region that is in desperate need after paper mill closures, and provide homeowners, schools and businesses with a path to get off fossil fuels, while supporting their local economy.
- Surge Hydro (Belfast, ME) is incorporating innovative technologies into hydroelectric facilities and infrastructure to build sustainable grid networks with more efficient power production. □

E2Tech promotes Maine's tourism industry

Tourism revenue in Maine reached a record \$5.65 billion in 2015, a 3.2% increase over the previous year (Maine Office of Tourism), with a total economic impact of more than \$8 billion and 99,000 supported jobs. Since a clean environment is key to Maine's tourism "brand," more businesses are reducing energy and water use; generating less waste and increasing composting; using less toxic products; and buying local food. As climate change, environmental toxicity, and water pollution concerns intensify, Maine citizens and visitors alike will be increasingly seeking shelter, suds, and sustenance from hotels, breweries, and restaurants with sustainability programs, renewable resources, and local farm-to-table ingredients. These efforts are becoming more visible in tourism marketing materials and travel packages are being built around Maine's outdoor woods, water, and winter activities.

On June 8, the Environmental & Energy Technology Council of Maine (E2Tech) teamed up with the Maine Restaurants Association and Maine Innkeepers Association to amplify Maine businesses' innovative approaches to sustainable management practices, from using solar and wind for hotel and inn heating and electricity, to serving sustainable fish in restaurants, to preserving lands and forests for wildlife engagement and enjoyment. Presentations and pictures can be found at www.e2tech.org/event-2222530. □

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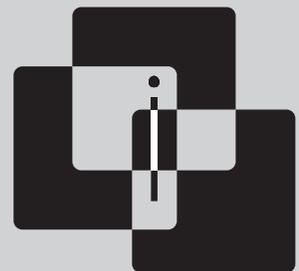
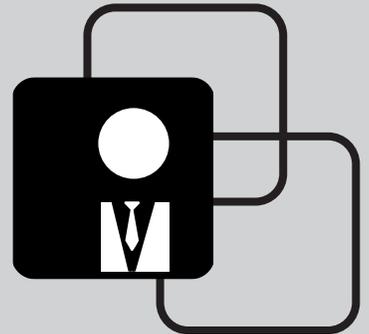
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