

STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON LABOR

July 2007

MEMBERS:

SEN. ETHAN STRIMLING, CHAIR
SEN. NANCY B. SULLIVAN
SEN. DANA L. DOW

REP. JOHN L. TUTTLE, JR., CHAIR
REP. TROY DALE JACKSON
REP. HERBERT E. CLARK
REP. TIMOTHY E. DRISCOLL
REP. ANNE M. HASKELL
REP. RICHARD JOHN BURNS
REP. BRIAN M. DUPREY
REP. JAMES M. HAMPER*
REP. RICHARD M. SYKES
REP. DOUGLAS A. THOMAS

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*Representative James M. Hamper replaced Representative Philip A. Cressey, Jr. on the Labor Committee

**JOINT STANDING COMMITTEE ON
LABOR**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	99	86.1%	5.1%
<u><i>Bills Carried Over</i></u>	<u>16</u>	<u>13.9%</u>	<u>0.8%</u>
Total Bills referred	115	100.0%	6.0%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	115	100.0%	6.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	9	9.1%	0.5%
<i>Ought to Pass as Amended</i>	30	30.3%	1.7%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>53</u>	<u>53.5%</u>	<u>3.0%</u>
Total unanimous reports	92	92.9%	5.3%
B. Divided committee reports			
<i>Two-way reports</i>	7	7.1%	0.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	7	7.1%	0.4%
Total committee reports	99	86.1%	5.7%
III. CONFIRMATION HEARINGS			
	6	N/A	N/A
	0		
	6		
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	32	27.8%	1.7%
<i>Private and Special Laws</i>	2	1.7%	0.1%
<i>Resolves</i>	3	2.6%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	37	32.2%	1.9%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Labor

LD 124 An Act To Allow the Recovery of Reasonable Attorney's Fees

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW	ONTP	

This bill requires that a judgment in favor of an employee in an action brought against an employer for an unfair agreement include, in addition to the actual damages, liquidated damages equal to the amount of actual damages plus the costs of suit, including reasonable attorney's fees.

LD 125 Resolve, To Expedite a Workers' Compensation Case

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE		

This resolve requires the Joint Standing Committee on Labor to review the case of Joseph Greenier. The resolve also requires the committee to make recommendations to the Workers' Compensation Board for resolution of the case. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

**LD 136 An Act Regarding the Enforcement of Penalties under the Maine
Workers' Compensation Act of 1992**

PUBLIC 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-18 STRIMLING

This bill repeals and replaces a section of Title 39-A relating to penalties. The new section retains all of the language of the existing section which provides that:

- o penalties are payable to the Workers' Compensation Board Administrative Fund; and
- o Fund amounts attributable to penalties that are not required to support the activities of the board shall be transferred to the General Fund.

The bill adds language which provides that:

- o all penalties are enforceable by the Superior Court;
- o the Attorney General shall prosecute any action necessary to recover penalties or the board may retain private counsel for that purpose; and
- o if a person fails to pay a penalty and enforcement by the Superior Court is necessary, that person shall pay court costs, including reasonable attorney's fees, and, if the failure to pay was without due cause, double the penalty.

Senate Amendment "A" (S-18)

This amendment corrects an internal reference to be consistent with other references.

Enacted Law Summary

Public Law 2007, Chapter 26 repeals and replaces a section of Title 39-A relating to penalties. The new section retains all of the language of the existing section which provides that:

- o penalties are payable to the Workers' Compensation Board Administrative Fund; and

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- o Fund amounts attributable to penalties that are not required to support the activities of the board shall be transferred to the General Fund.

The bill adds language which provides that:

- o all penalties are enforceable by the Superior Court;
- o the Attorney General shall prosecute any action necessary to recover penalties or the board may retain private counsel for that purpose; and
- o if a person fails to pay a penalty and enforcement by the Superior Court is necessary, that person shall pay court costs, including reasonable attorney's fees, and, if the failure to pay was without due cause, double the penalty.

LD 155 An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP	

This bill eliminates the pension offset against unemployment benefits for persons who receive Social Security or any other pension or plan to which the individual made at least 50% of the contributions. If the person contributed some amount to the pension, but less than 50%, the offset is made after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the pension by that person.

LD 201 An Act To Increase the State's Share of Retired Teachers' Health Insurance

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT SAVAGE C	OTP-AM	H-170

This bill increases the State's contribution to the retired teacher members' share of health insurance costs from 45% to 50% from January 1, 2007 to December 31, 2007 and 55% after December 31, 2007.

Committee Amendment "A" (H-170)

This amendment adds an appropriations and allocations section to the bill.

LD 224 An Act To Provide for Minimum Wage and Overtime Coverage for Certain Domestic Workers

PUBLIC 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL BRYANT B	OTP	

This bill clarifies that the exemption from minimum wage and overtime requirements for individuals employed in domestic service in or about a private home applies only to individuals engaged directly by the resident or owner of that private home or the family of the resident or homeowner.

Enacted Law Summary

Public Law 2007, Chapter 22 clarifies that the exemption from minimum wage and overtime requirements for

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individuals employed in domestic service in or about a private home applies only to individuals engaged directly by the resident or owner of that private home or the family of the resident or homeowner.

**LD 225 An Act To Provide Flexibility in Health Insurance for Spouses under
the State Employee Health Insurance Plan**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	ONTP	

This bill provides the spouse of a retiree an additional opportunity to elect to enroll in the State's group health plan. At present, an enrolled spouse who leaves the plan is not eligible to re-enroll. This bill would allow a spouse who obtains health insurance from an employer to make a one-time election to leave the plan and be eligible to enroll at a future date. The spouse must demonstrate coverage for at least 18 months immediately prior to enrollment under the plan.

LD 233 An Act To Provide Funds for Voice-activated Telephones

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	ONTP	

This bill establishes a program within the Department of Labor, Bureau of Rehabilitation Services to lend voice-activated telephones to persons with disabilities and to deaf, hard-of-hearing or speech-impaired persons. The program is required to lend out a minimum of 5 voice-activated telephones. This program is funded by the Communications Equipment Fund, which receives funds from the state universal service fund.

LD 256 An Act To Assist Maine Military Families

PUBLIC 388

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-502

This bill provides leave, under the family medical leave laws, for an employee whose spouse is a member of the armed forces who has been killed or injured.

Committee Amendment "A" (H-502)

This amendment expands the applicability of family military leave by reducing from 50 to 15 the number of employees that an employer must have to trigger the requirement that such leave be provided. The amendment also allows family members the option of using unpaid leave while the service member has returned on leave granted during deployment. Finally, the amendment expands the coverage of the bill's provision adding a new family medical leave authorization by providing leave if the employee is a domestic partner, parent or child of the member of the armed forces and the member dies or incurs a serious health condition while on active duty.

Enacted Law Summary

Public Law 2007, Chapter 388 provides leave, under the family medical leave laws, for an employee whose spouse is a member of the armed forces who has been killed or injured. The bill expands the applicability of family military leave by reducing from 50 to 15 the number of employees that an employer must have to trigger the requirement that such leave be provided. This bill also allows family members the option of using unpaid

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leave while the service member has returned on leave granted during deployment. Finally, the bill expands the coverage of the bill's provision adding a new family medical leave authorization by providing leave if the employee is a domestic partner, parent or child of the member of the armed forces and the member dies or incurs a serious health condition while on active duty.

**LD 259 An Act To Clarify the Composition of the Advisory Council on
Tax-deferred Arrangements**

PUBLIC 298

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE STRIMLING	OTP-AM	H-389

This bill replaces three named employee organizations with the phrase "employee organization certified to represent the unit" in describing the entities who recommend the employee representatives to be appointed to the Advisory Council on Tax-deferred Arrangements.

Committee Amendment "A" (H-389)

This amendment replaces the bill. Like the bill, it provides that employee representatives are recommended by the employee organizations certified to represent units, recognized under the Maine Revised Statutes, but it adds 2 more employee representatives, one each from the legislative branch and the judicial branch, to the Advisory Council on Tax-deferred Arrangements.

Enacted Law Summary

Public Law 2007, Chapter 298 replaces three named employee organizations with the phrase "employee organization certified to represent the unit" in describing the entities who recommend the employee representatives to be appointed to the Advisory Council on Tax-deferred Arrangements. The bill also adds 2 more employee representatives, one each from the legislative branch and the judicial branch, to the Advisory Council on Tax-deferred Arrangements.

**LD 297 Resolve, Authorizing Elizabeth O'Connor To Rejoin the Maine State
Retirement System**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE		

This resolve authorizes the Maine State Retirement System to allow Elizabeth O'Connor to rejoin the Maine State Retirement System and buy back service credits without paying any applicable interest charges from October 2005 to December 2006.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

**LD 323 An Act Permitting Substitute Teachers To Opt Out of the Maine State
Retirement System**

PUBLIC 305

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS COURTNEY	OTP-AM	H-390

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This bill makes membership in the Maine State Retirement System optional for substitute public school teachers.

Committee Amendment "A" (H-390)

This amendment adds provisions to the bill similar to those governing municipal employees regarding the purchase of creditable service and rejoining the Maine State Retirement System. The amendment allows substitute public school teachers to rejoin the retirement system 2 times.

Enacted Law Summary

Public Law 2007, Chapter 305 makes membership in the Maine State Retirement System optional for substitute public school teachers. The bill adds provisions with respect to state employee and teacher retirement plans similar to those governing municipal employees regarding the purchase of creditable service and rejoining the Maine State Retirement System. The bill allows substitute public school teachers to rejoin the retirement system 2 times.

LD 375 An Act To Amend the Family Medical Leave Laws

PUBLIC 261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ ONTP MIN	S-121

This bill adds domestic partners to the list of family members that employees may use family medical leave to take care of. The bill also defines domestic partner to mean the partner of an employee who:

- o is a mentally competent adult, as is the employee;
- o has been legally domiciled with the employee for at least 12 months;
- o is not legally married to or legally separated from another individual;
- o is the sole partner of the employee and expects to remain so; and
- o is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

Committee Amendment "A" (S-121)

This amendment adds to the definition of "domestic partner" by excluding a sibling of an employee from the definition.

Enacted Law Summary

Public Law 2007, Chapter 261 adds domestic partners to the list of family members that employees may use family medical leave to take care of. The bill also defines "domestic partner" to mean the partner of an employee who:

- o is a mentally competent adult, as is the employee;
- o has been legally domiciled with the employee for at least 12 months;
- o is not legally married to or legally separated from another individual;
- o is the sole partner of the employee and expects to remain so; and
- o is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

The bill also adds to the definition of "domestic partner" by excluding a sibling of an employee from the definition.

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LD 382 An Act To Correct an Inconsistency in Unemployment Insurance Tax Law

PUBLIC 23

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP	

This bill repeals a provision of State law that conflicts with a federal mandate prohibiting the practice of State Unemployment Tax Act (SUTA) "dumping", whereby an employer seeks to avoid unemployment taxes by forming a shell corporation with typically lower new employer unemployment tax rates and transferring its employees to the new entity. The conflicting provision of state law relates to transfers of experience for unemployment tax rate purposes.

Enacted Law Summary

Public Law 2007, Chapter 23 repeals a provision of State law that conflicts with a federal mandate prohibiting the practice of State Unemployment Tax Act (SUTA) "dumping", whereby an employer seeks to avoid unemployment taxes by forming a shell corporation with typically lower new employer unemployment tax rates and transferring its employees to the new entity. The conflicting provision of state law relates to transfers of experience for unemployment tax rate purposes.

LD 392 An Act To Establish Penalties for Violation of the Severance Pay Law

PUBLIC 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK DAMON	OTP-AM	H-391

Current law requires a person proposing to relocate a business outside of the State to provide notice of the relocation to the employees of that business and the officers of the municipality in which the business is located. This bill requires the same notice if the person proposes to terminate the business. The bill also adds a penalty section for violations of the severance pay law.

Committee Amendment "A" (H-391)

This amendment allows the Director of Labor Standards within the Department of Labor to waive the notice of termination or relocation requirement and provides that fines won't be collected if their payment would prevent the payment of required severance payments to employees. The amendment also specifies the provision to which the penalty provision applies.

Enacted Law Summary

Public Law 2007, Chapter 333 requires a person proposing to terminate a business to provide notice of the termination to the employees of that business and the officers of the municipality in which the business is located in the same manner as is required under current law if the person proposes to relocate the business outside of the State. The bill also allows the Director of Labor Standards within the Department of Labor to waive the notice of termination or relocation requirement, adds a penalty section for violations of a specific provision of the severance pay laws and provides that fines won't be collected if their payment would prevent the payment of required severance payments to employees.

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LD 412 An Act To Clarify the Application of Prevailing Wage Requirements

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK		

This bill clarifies that in publicly-funded construction projects under the jurisdiction of the federal Davis-Bacon Act or other federal act, minimum wages and benefits under Maine law apply unless minimum wages and benefits established by the federal Secretary of Labor are higher than the minimum wages and benefits under Maine law.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 457 An Act To Require Nonprofit Employers To Disclose All Benefits Available, Including Unemployment Insurance, to Employees and Prospective Employees

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require nonprofit organizations to disclose the benefits provided with employment, including unemployment insurance, so an employee will know if unemployment benefits are available.

LD 512 An Act To Change the Name of the Maine State Retirement System

PUBLIC 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP	

This bill changes the name of the Maine State Retirement System to the Maine Public Employees Retirement System and requires the Revisor of Statutes to implement this revision throughout the Maine Revised Statutes.

Enacted Law Summary

Public Law 2007, Chapter 58 changes the name of the Maine State Retirement System to the Maine Public Employees Retirement System and requires the Revisor of Statutes to implement this revision throughout the Maine Revised Statutes.

LD 522 An Act To Require the Posting of Proof of Workers' Compensation Insurance at Construction Sites

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STRIMLING	ONTP	

This bill requires the Workers' Compensation Board to appoint an abuse investigator to investigate whether construction contractors provide workers' compensation insurance coverage and are posting notices as required by the Workers' Compensation Act of 1992. It allows the workers' compensation audit, enforcement and monitoring program to stop work at a construction site if a contractor on the site has failed to provide workers' compensation

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insurance coverage and requires employers to post notice. The bill also provides penalties and for a redirection of penalties to the Workers' Compensation Board Administrative Fund.

LD 541 An Act To Encourage the Owners of Sole Proprietorships To Hire More Employees

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to encourage the owners of sole proprietorships to hire more employees by reducing the regulatory burdens placed on employers during the probationary period for employees.

LD 549 An Act To Fund the Purchase of Maine State Retirement System Time by Certain Veterans

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	H-500

This bill makes General Fund appropriations of \$88,202 in fiscal year 2007-08 and \$127,138 in fiscal year 2008-09 to the Maine State Retirement System to allow for 3 members per year who the Maine State Retirement System has determined are qualified to purchase military service credit at a subsidized rate pursuant to Public Law 2003, chapter 693.

Committee Amendment "A" (H-500)

This amendment replaces the appropriations and allocations section of the bill.

LD 591 An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK		

This bill requires a successful bidder and all subcontractors of the successful bidder entering into a public works contract on or after July 1, 2008 that is worth \$10,000 or more to certify and provide documentation demonstrating that all employees working on the project have completed a course in construction safety, no shorter than 10 hours in duration, approved by the United States Occupational Safety and Health Administration. The bill also specifies that, in addition to fines provided in existing law, violation of these requirements may result in removal of employees for whom the required documentation is not provided, as well as cancellation or enforcement of performance of the contract.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

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LD 595 An Act To Define "Livable Wage" ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	ONTP	

This bill directs the Department of Labor to annually calculate the livable wage for various household sizes using the methodology used by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage." The bill is based on the work of the Study Commission Regarding Livable Wages established pursuant to Resolve 2005, chapter 128.

LD 619 An Act To Require All State Employees To Carry State Health Insurance ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP	

The bill requires that eligible state employees receive health coverage through the Dirigo Health Program. The bill does not apply to any health coverage plan negotiated pursuant to current collective bargaining agreements.

LD 660 An Act To Change the Qualifications for the Chair of the Maine Unemployment Insurance Commission ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP	

Current law requires the chair of the Maine Unemployment Insurance Commission to be an attorney. This bill provides that the chair hold a master's degree in public administration or business administration, or hold an equivalent degree or have comparable experience, or be an attorney.

LD 661 An Act To Maintain Retirement Health Benefits for State Retirees ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP	

This bill requires the State to pay the retirees' share of the Medicare Part B supplemental coverage premiums for Medicare-eligible retirees.

LD 689 An Act To Facilitate MaineCare Reimbursement in Workers' Compensation Cases ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON STRIMLING	ONTP	

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This bill provides that 10% of the reimbursement recovered by MaineCare for an employee's medical expenses for a work-related injury after compensation has been approved under the Maine Workers' Compensation Act of 1992 must be paid to the employee or the employee's attorney where the employee or employee's attorney had informed the Director of the Office of MaineCare Services of the reimbursement owed.

**LD 712 An Act To Continue To Allow Public Retiree Organizations Access to
the Maine State Retirement System's List of All State Retirees**

**PUBLIC 47
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP MAJ ONTP MIN	

Public Law 2005, chapter 149 allows nonprofit or public organizations established to provide programs and services to Maine public sector retirees access to the Maine State Retirement System's lists of names and home addresses of retirees for membership recruitment purposes, but repeals that law September 15, 2007. This bill repeals the sunset provision, allowing the Maine State Retirement System to continue to provide the names and home addresses of retirees to those organizations unless a retiree "opts out" from authorizing the disclosure. The bill also repeals the general waiver provision in current law.

Enacted Law Summary

Public Law 2007, Chapter 47, repeals a sunset provision, allowing the Maine State Retirement System to continue to provide the names and home addresses of retirees to nonprofit or public organizations established to provide programs and services to Maine public sector retirees, unless a retiree "opts out" from authorizing the disclosure. Public Law 2005, chapter 149 had allowed those organizations access to the Maine State Retirement System's lists of names and home addresses of retirees for membership recruitment purposes, but repealed that law September 15, 2007. The bill also repeals the general waiver provision in current law.

Public Law 2007, Chapter 47, was enacted as an emergency measure effective April 12, 2007.

**LD 729 An Act To Compensate Employees Required To Be "On-call" by Their
Employers**

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREELEY	ONTP MAJ OTP MIN	

This bill prohibits an employer from requiring an employee to be on-call unless on-call status was a condition of employment agreed to by the employee. The bill also requires an employer to pay an employee for all on-call time unless the employer and employee concur in a written contractual agreement that compensation is neither needed nor expected.

Committee Amendment "A" (H-135)

This amendment incorporates a fiscal note.

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LD 757 An Act To Improve the Ability of Superintendents To Act in the Best Interests of Students ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The purpose of this bill is to provide consistency in the process of reaching superintendents' agreements and to eliminate the process whereby employment contracts can override local superintendents' decisions.

LD 763 An Act To Allow Early Retirement for Captains in the Maine State Ferry Service ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	ONTP	

This bill allows captains in the Maine State Ferry Service to qualify for service retirement benefits after 20 years of creditable service for the Maine State Ferry Service.

**LD 776 An Act To Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008 P & S 9
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-100

The Maine State Retirement System is required by statute to present its annual operating budget to the Legislature for approval. This bill for fiscal year 2008 is the system's 14th annual budget. The bill identifies the system's personal services costs and its costs for other operating expenses for fiscal year 2008. For information purposes, the bill presents the attribution of expenses to the system's 2 employer categories: the State of Maine and Participating Local Districts.

Committee Amendment "A" (H-100)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2007, Chapter 9, requires the Maine State Retirement System to present its annual operating budget to the Legislature for approval. This bill for fiscal year 2008 is the system's 14th annual budget. The bill identifies the system's personal services costs and its costs for other operating expenses for fiscal year 2008. For information purposes, the bill presents the attribution of expenses to the system's 2 employer categories: the State of Maine and Participating Local Districts.

Private and Special Law 2007, Chapter 9, was enacted as an emergency measure effective May 10, 2007.

Joint Standing Committee on Labor

**LD 814 An Act To Incorporate Binding Arbitration for Monetary Issues in
Collective Bargaining for All State Employees**

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ ONTP MIN	S-268

This bill makes binding a determination of a salary, pension or insurance issue by an arbitrator in collective bargaining for state or municipal employees and prohibits certain practices by a public employer of state and municipal employees including:

1. Invoking a lockout;
2. Failing to comply with the provisions of the municipal public employees labor relations laws or the state employees labor relations laws or any rule adopted by the Maine Labor Relations Board pursuant to these laws;
3. Breaching a collective bargaining agreement; or
4. Enacting any law or adopting any rule relative to the terms and conditions of employment that would invalidate a portion of an agreement entered into by the public employer enacting the law or adopting the rule.

Committee Amendment "A" (S-268)

The amendment removes from the bill the prohibitions against certain practices by public employers of state and municipal employees and limits binding arbitration to state collective bargaining practices. The amendment also provides that, with respect to controversies over salaries, pensions and insurance, the arbitrator must take the last best offer as the arbitrator's determination. This provision will be repealed 90 days after adjournment of the Second Regular Session of the 125th Legislature. The amendment also changes the title of the bill.

**LD 827 An Act To Allow Certain Special Education Teachers To Acquire Time
from the Maine State Retirement System**

PUBLIC 303

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL	OTP-AM	H-392

This bill allows teachers to obtain service credit in the Maine State Retirement System for years in which they taught children with disabilities in private schools before such children were provided access to the public school system.

Committee Amendment "A" (H-392)

This amendment strikes and replaces the bill but retains a provision for the acquisition of service credit similar to the bill, in which educators can acquire service credit in the Maine State Retirement System for years in which they taught children with disabilities in private schools before such children were provided access to the public school system. The bill granted one year of service credit. Under the amendment, up to one year of service credit may be purchased at full actuarial cost.

Enacted Law Summary

Public Law 2007, Chapter 303 allows teachers to acquire service credit in the Maine State Retirement System for time during which they taught children with disabilities in private schools before such children were provided access to the public school system. Under the bill, up to one year of service credit may be purchased at full actuarial cost.

Joint Standing Committee on Labor

LD 844 An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information

PUBLIC 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR DIAMOND	OTP	

This bill changes the name of the Department of Labor's Division of Labor Market Information Services to the Center for Workforce Research and Information.

Enacted Law Summary

Public Law 2007, Chapter 126 changes the name of the Department of Labor's Division of Labor Market Information Services to the Center for Workforce Research and Information.

LD 845 An Act To Tie the Percentage of Health Insurance Benefits for Retired Teachers to That of Retired Legislators

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB BOWMAN	ONTP	

This bill provides that the percentage of a retired teacher's share of the premiums for the teachers' group accident and sickness and health insurance plan paid by the State may not be less than the percentage of the share of premiums of a retired Legislator with 10 or more years of participation in the standard group health insurance plan paid by the State.

LD 869 Resolve, Directing the Maine State Retirement System To Recalculate the Retirement Benefits of D'Lila Terracin

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE		

This bill directs the Maine State Retirement System to retroactively recalculate the retirement benefits of D'Lila Terracin to allow her to receive 2 years of disability payments between 58 and 60 years of age and to calculate her Maine State Retirement System retirement benefits at 60 years of age to enable her to avoid early retirement penalties. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 870 An Act To Enhance Education Services for Blind and Visually Impaired Children

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	OTP-AM	H-137

This bill provides funding to Education Services for Blind and Visually Impaired Children for two additional teacher positions and increased salaries, which should result in a decrease in the number of blind and visually impaired

Joint Standing Committee on Labor

students per program teacher to more appropriate levels. The bill also provides funding for purchasing and updating assistive technology for teachers of blind and visually impaired children and for training the teachers in the use of this technology.

Committee Amendment "A" (H-137)

This amendment incorporates a fiscal note.

LD 871 An Act To Amend the Laws Relating to the Treatment of Maine State Retirement System Contributions for Terminated

PUBLIC 137

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM	H-138

This bill repeals the current statutory provisions governing the refund of accumulated contributions to members and the treatment of accumulated contributions for terminated members and replaces those provisions. The replacement language is substantively the same for terminated members who apply for a refund of accumulated contributions. For nonvested terminated members, the bill permits the Maine State Retirement System to make an automatic refund of accumulated contributions to the member and permits the member to reinstate membership upon the return of automatically refunded accumulated contributions. The bill also contains transitional language to assist the retirement system in its effort to improve the quality of member data.

Committee Amendment "A" (H-138)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, Chapter 137 repeals the current statutory provisions governing the refund of accumulated contributions to members and the treatment of accumulated contributions for terminated members and replaces those provisions. The replacement language is substantively the same for terminated members who apply for a refund of accumulated contributions. For nonvested terminated members, the bill permits the Maine State Retirement System to make an automatic refund of accumulated contributions to the member and permits the member to reinstate membership upon the return of automatically refunded accumulated contributions. The bill also contains transitional language to assist the retirement system in its effort to improve the quality of member data.

LD 903 An Act To Assist Maine Military Families

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	ONTP	

This bill expands the applicability of family military leave by reducing from 50 to 15 the number of employees that an employer must have to trigger the requirement that such leave be provided. The bill also allows family members the option of using unpaid leave while the service member is on leave granted during deployment. The substance of this bill is part of an amendment to LD 256, and enacted as Public Law 2007, Chapter 388.

Joint Standing Committee on Labor

LD 913 An Act To Amend State Employees' Bargaining Agents' Election Contributions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROBINSON DOW	ONTP	

This bill requires a poll by the bargaining agent for a State executive or legislative branch bargaining unit of the members of that unit if 10 per cent of those members make a written request for such a poll to the executive director of the Maine Labor Relations Board. The poll would be by secret ballot and would be for the sole purpose of determining the political party affiliation totals for the members of the unit. Any monetary contributions made by the bargaining agent to political parties, the campaigns of political candidates or political action committees whose principal officers or primary fund-raisers or decision makers are political candidates or political officeholders must be made in such a way that the total percentage of money given to a candidate or candidates from each political party is the same as the percentage of members of that bargaining unit that indicated an affiliation with that political party.

LD 933 An Act To Authorize the Certification of Workplace Safety Programs Offered by Workers' Compensation Insurers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	ONTP	

This bill directs the Superintendent of Insurance to adopt rules establishing the standards for approval of workplace health and safety consultations provided to employers by insurance carriers. The rules must include a process by which insurers may be certified by the superintendent as meeting or exceeding those standards. The bill authorizes the Department of Labor to decline providing safety consulting services to employers that can obtain comparable services from their insurers and exempts insurers that are certified as meeting or exceeding the standards for approval of workplace health and safety consultations from the annual assessment by the Department of Labor to fund its consultations.

LD 934 An Act To Establish Working Hours and Wages for Teenagers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS	ONTP	

This bill sets the minimum wage for a minor under 17 years of age at \$5.25 per hour, increases from 20 to 30 the hours a minor under 18 years of age may work during a week while school is in session and increases from 18 to 22 the hours a minor under 16 years of age may work during a week while school is in session.

LD 955 An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing of Temporary Workers

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM	S-190

This bill, for purposes of being required to be tested under the labor substance abuse testing laws, excludes from the definition of "employee" and includes in the definition of "applicant," a person who is on an employment agency

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roster of eligibility for a work assignment with a client company to which the person has not been assigned in the last 30 days.

Committee Amendment "A" (S-190)

This amendment replaces the bill with a provision that, rather than amending the definitions of "applicant" and "employee," allows an employment agency to request a written waiver from an individual already in its employ or on a roster of eligibility to allow a drug test for a temporary placement, under certain conditions.

Enacted Law Summary

Public Law 2007, Chapter 339 provides that, for purposes of being required to be tested under the labor substance abuse testing laws, an employment agency may request a written waiver from an individual already in its employ or on a roster of eligibility to allow a drug test for a temporary placement, under certain conditions.

LD 998 An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-124

The bill provides that a member of the Maine State Retirement System whose previous membership was based upon employment as a public safety emergency communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety emergency communications technician for the department may elect to include that previously earned creditable service with service earned as a state employee under certain conditions.

Committee Amendment "A" (S-124)

This amendment incorporates a fiscal note.

LD 1015 An Act To Amend the Unemployment Laws

PUBLIC 230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-122

This bill allows an individual in the employ of a son, daughter or spouse or an individual under the age of 18 in the employ of a parent to receive unemployment compensation for periods of service for which unemployment insurance is paid.

Committee Amendment "A" (S-122)

This amendment adds the word "contributions" to clarify what constitutes "employment" under the Maine Revised Statutes, Title 26, section 1043, subsection 11, paragraph F, subparagraph (6).

Enacted Law Summary

Public Law 2007, Chapter 230 allows an individual in the employ of a son, daughter or spouse or an individual under the age of 18 in the employ of a parent to receive unemployment compensation for periods of service for which unemployment insurance contributions have been paid.

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LD 1024 An Act To Address Labor Practices with On-call Workers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	ONTP	

This bill requires an employer to pay an on-call, part-time employee wages for at least 3 hours of work or travel expenses set at the standard mileage rate for business purposes set by the federal Internal Revenue Service if the employer calls the employee in to work. If the employer opts to pay an employee travel expenses, the employer is not exempt from paying the wages of the employee for the time that the employee worked.

LD 1032 An Act To Improve Employment Opportunities for Persons with Disabilities in Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING		S-71

This bill requires state agencies to provide copies of their disability employment plans and annual updates to the joint standing committee of the Legislature having jurisdiction over labor matters and to the Commission on Disability and Employment within the Department of Labor, Maine Jobs Council by March 1st of each year. The bill also provides funding for one Disability Employment Services Coordinator position within the Department of Administrative and Financial Services, Bureau of Human Resources.

Committee Amendment "A" (S-71)

This amendment replaces the appropriations and allocations section of the bill. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1032 is carried over pursuant to Joint Order, HP 1369.

LD 1055 Resolve, To Establish a Working Group To Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population

**RESOLVE 100
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-501

This bill establishes the hearing assistance program within the Department of Labor, Bureau of Rehabilitation Services to provide grants to low-income persons who are deaf or hard-of-hearing and elderly or disabled for the purchase of hearing aids and subsidies for cap-tel service. The program is funded through the state universal service fund, which is administered by the Public Utilities Commission.

Committee Amendment "A" (H-501)

This amendment replaces the bill and establishes the Working Group to Study the Prevalence and Cost of Hearing Loss and Use of Hearing Aids and Other Devices in Maine's Elderly Population. The working group shall submit a report of its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services by December 7, 2007. The committees are authorized to submit legislation pertaining to the report.

Joint Standing Committee on Labor

Enacted Law Summary

Resolves 2007, Chapter 100, was enacted as an emergency measure effective June 20, 2007. This resolve establishes the Working Group to Study the Prevalence and Cost of Hearing Loss and Use of Hearing Aids and Other Devices in Maine's Elderly Population. The working group shall submit a report of its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services by December 7, 2007. The committees are authorized to submit legislation pertaining to the report.

LD 1060 **Resolve, To Study the State's Career Center Network and Create a Sustainable System**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO		

This resolve is a concept draft pursuant to Joint Rule 208. The purpose of this resolve is to study the State's job opportunities with the intent of creating a sustainable career center network.

This resolve is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1086 **An Act To Clarify Worker Payment for Clothing and Equipment**

PUBLIC 357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-371

This bill provides that, in the context of employee compensation required to be returned to the employer for the payment of a debt owed to the employer, uniforms, personal protective equipment or other tools of the trade that are considered to be primarily for the benefit or convenience of the employer may not be considered a "debt". The bill also prohibits an employer from mandating that an employee pay for the cleaning and maintenance of a uniform, but may have a written agreement with the employee whereby the employee chooses to have a payroll deduction for the cost of cleaning and maintenance.

Committee Amendment "A" (H-371)

This amendment clarifies the provisions of the bill and incorporates the provisions of federal law in Maine statutory determinations as to what, in the context of employee compensation required to be returned to the employer for the payment of a debt owed to the employer, is considered to be primarily for the benefit or convenience of the employer and may not be considered a "debt."

Enacted Law Summary

Public Law 2007, Chapter 357 incorporates the provisions of federal law in Maine statutory determinations regarding employee compensation required to be returned to the employer for the payment of a debt owed to the employer. The bill provides that the cost of uniforms and of their laundering, the cost of any construction by and for the employer, the cost of tools of the trade and other materials and services incidental to carrying on the employer's business and other costs of furnishing facilities primarily for the benefit or convenience of the employer may not be considered a "debt."

Joint Standing Committee on Labor

LD 1087 An Act To Facilitate Debarment of State Contractors with Serious or Repeated Labor Violations

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE STRIMLING	ONTP	

This bill broadens the Department of Labor's authority to debar contractors seeking state contracts if these contractors have serious or repeated violations of state labor laws or certain federal laws.

LD 1107 An Act To Promote Compliance with the Workers' Compensation Laws

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-174

This bill raises the penalty not-to-exceed amount from \$10,000 to \$100,000 that the Workers' Compensation Board may assess, where there has been a finding, after hearing, that an employer, insurer or 3rd-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims.

Committee Amendment "A" (S-174)

This amendment changes from mandatory to permissive the assessment of a penalty by the Workers' Compensation Board against an employer or insurance carrier for failure to pay compensation. The amendment increases the maximum penalty for engaging in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims from \$10,000 to \$25,000, as opposed to the \$100,000 maximum proposed in the bill. The amendment also requires that the amount of the penalty be commensurate with the severity of the proscribed acts and that penalties collected go to the General Fund. Finally, the amendment provides that an insurance carrier's payment of any penalty assessed under the Maine Revised Statutes, Title 39-A, section 359 may not be considered an element of loss for the purpose of establishing rates for workers' compensation insurance. This amendment also makes several technical corrections to current law to conform to drafting standards.

Enacted Law Summary

Public Law 2007, Chapter 265 raises the penalty not-to-exceed amount from \$10,000 to \$25,000 that the Workers' Compensation Board may assess, where there has been a finding, after hearing, that an employer, insurer or 3rd-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims. The bill requires that the amount of the penalty be commensurate with the severity of the proscribed acts and that penalties collected go to the General Fund. The bill also changes from mandatory to permissive the assessment of a penalty by the Workers' Compensation Board against an employer or insurance carrier for failure to pay compensation. Finally, the bill provides that an insurance carrier's payment of any penalty assessed under the Maine Revised Statutes, Title 39-A, section 359 may not be considered an element of loss for the purpose of establishing rates for workers' compensation insurance.

LD 1113 An Act To Prevent Workplace Bullying

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	ONTP	

Joint Standing Committee on Labor

This bill is a concept draft pursuant to Joint Rule 208. The bill seeks to address behavior in the workplace that is intimidating, demeaning and reprehensible but falls short of being actionable under current criminal laws and laws against sexual harassment and discrimination.

LD 1158 An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation

PUBLIC 175

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-139

This bill increases the per diem for members of the State Board of Arbitration and Conciliation from \$75 to \$150.

Committee Amendment "A" (H-139)

This amendment adds a fiscal note to the bill.

Enacted Law Summary

Public Law 2007, Chapter 175 increases the per diem for members of the State Board of Arbitration and Conciliation from \$75 to \$150.

LD 1177 Resolve, To Establish the Commission on Retirement Policy Funding and Reform

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY MILLS P	ONTP	

This resolve creates the Commission on Retirement Policy Funding and Reform to review and recommend reforms to the Maine State Retirement System that make the system more consistent with the labor market of 2010 and beyond.

LD 1223 An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-286

Contingent upon the full actuarial costs having been accumulated in a reserve of the Maine State Retirement System, this bill adds mental health workers to the 1998 Special Plan for certain Maine State Retirement System members and requires that service retirement benefits for corrections and mental health workers included in the 1998 Special Plan be computed on the basis of all the member's creditable service, regardless of when that service was earned. The bill provides for funding the full actuarial costs of new corrections and mental health worker retirement benefits by creating a reserve and transferring funds to it that would otherwise qualify for transfer to the Retirement Allowance Fund from unappropriated surplus of the General Fund. Transfers continue until the accumulation of funds to cover the full actuarial costs, including normal costs for 6 years, is complete. Under the bill, retirement service credit may not be given and increased benefits may not be paid until the full actuarial costs of the liability for the increased value of that service has been funded.

Committee Amendment "A" (S-286)

Joint Standing Committee on Labor

This amendment provides that the Corrections and Mental Health Workers Service Retirement Benefit Reserve is held by the Maine State Retirement System rather than in the General Fund. The amendment also provides for 1% contributions to the reserve by affected classifications of corrections officers and mental health workers.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1259 An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases

PUBLIC 313

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-372

This bill provides that the amount of compensation in occupational disease cases must be based on the average weekly wages of the employee on the date of injury rather than on the date the employee was last exposed to the disease. Where the employee is no longer working on the date of incapacity, the average wages of a comparable employee as of the date of injury must be used to determine the amount of compensation.

Committee Amendment "A" (H-372)

The amendment clarifies that the amount of compensation in occupational disease cases is based on wages in the occupation in which the employee was working at the time of the employee's last injurious exposure, even though the employee may no longer be working in that occupation.

Enacted Law Summary

Public Law 2007, Chapter 313 provides that the amount of compensation in occupational disease cases must be based on the average weekly wages of the employee on the date of injury rather than on the date the employee was last exposed to the disease. Where the employee is no longer working on the date of incapacity, the average wages of a comparable employee in the occupation in which the employee was working at the time of the employee's last injurious exposure, and as of the date of injury, must be used to determine the amount of compensation.

LD 1261 An Act To Clarify Intermittent Leave under the Family Medical Leave Laws

PUBLIC 233

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP	

This bill amends the family medical leave laws to provide for intermittent leave as is provided under the federal Family and Medical Leave Act of 1993.

Enacted Law Summary

Public Law 2007, Chapter 233 amends the family medical leave laws to provide for intermittent leave as is provided under the federal Family and Medical Leave Act of 1993.

LD 1272 An Act To Repeal Certain Unemployment Benefit Disqualifications

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	ONTP	

Joint Standing Committee on Labor

Under current law, an individual is disqualified for unemployment compensation benefits if the unemployment is due to a stoppage of work that exists because of a labor dispute. This bill repeals this provision of law.

LD 1275 An Act To Promote Workplace Safety and Certainty within the Construction Industry by Authorizing the Workers' Compensation Board To Issue Construction Contractor Certificates **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON		

This bill requires the Workers' Compensation Board to issue a construction contractor certificate to a person working in the construction industry upon proof that the person functions in a particular trade or occupation as an independent contractor rather than an employee or upon proof that the person has secured the payment of compensation by obtaining insurance coverage. The certificate creates a binding presumption that the person is an independent contractor so long as the person works in the trade, business, occupation or profession identified in the certificate. The application for and issuance of a certificate constitutes a waiver of rights under the Maine Workers' Compensation Act of 1992. A person who engages in construction work without a certificate is deemed an employee of the person's hiring agent.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1285 An Act To Amend the Laws Regarding Appeals from Decisions Issued by the Workers' Compensation Board **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	ONTP	

Under current law, if the Workers' Compensation Board reviews the decision of a hearing officer, the Maine Supreme Judicial Court has discretion to review the decision of the board, upon the appeal of an aggrieved party. This bill removes this discretion and provides instead that a party aggrieved by such a decision of the Workers' Compensation Board may appeal that decision to the Maine Supreme Judicial Court as a matter of right.

LD 1295 An Act To Amend the Labor Laws Regarding Automobile Dealerships **PUBLIC 360**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM MAJ OTP-AM MIN	H-476

This bill amends the wage and hour overtime laws in relation to automobile dealership employees primarily engaged in financing and insurance assistance and individuals employed as automobile service writers at automobile dealerships.

Committee Amendment "A" (H-476)

This amendment is the majority report of the Joint Standing Committee on Labor. It adds the qualifying language that a person's annual compensation must exceed 3,000 times the state minimum hourly wage to the definitions of "automobile mechanic," "automobile parts clerk" and "automobile service writer."

Committee Amendment "B" (H-477)

Joint Standing Committee on Labor

This amendment is the minority report of the Joint Standing Committee on Labor. It adds the qualifying language that a person's annual compensation must exceed 4,000 times the state minimum hourly wage to the definitions of "automobile mechanic," "automobile parts clerk" and "automobile service writer." This amendment was not adopted.

Enacted Law Summary

Public Law 2007, Chapter 360 amends the wage and hour overtime laws in relation to automobile dealership employees primarily engaged in financing and insurance assistance and individuals employed as automobile service writers at automobile dealerships. The bill requires that a person's annual compensation exceed 3,000 times the state minimum hourly wage in order to meet the statutory definitions of "automobile mechanic," "automobile parts clerk" and "automobile service writer."

LD 1310 An Act To Make Unemployment Compensation Law More Fair to Seniors

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	ONTP	

This bill eliminates the pension offset against unemployment benefits for persons who receive Social Security and rewrites the remaining statutory language of the offset law to clarify it.

LD 1314 An Act To Reimburse MaineCare in Certain Workers' Compensation Cases

PUBLIC 311

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM	H-393

This bill requires MaineCare to be reimbursed for 100% of any expenses it incurs for the treatment of an injury to an employee covered by workers' compensation. The bill also requires the Workers' Compensation Board to notify the Commissioner of Health and Human Services within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the board awarding compensation, identifying the employee who is to receive the compensation.

Committee Amendment "A" (H-393)

This amendment adds to the bill a provision authorizing the Department of Health and Human Services to contract for attorney services in order to pursue reimbursement of MaineCare costs in workers' compensation claims cases.

Enacted Law Summary

Public Law 2007, Chapter 311 requires MaineCare to be reimbursed for 100% of any expenses it incurs for the treatment of an injury to an employee covered by workers' compensation. The bill also requires the Workers' Compensation Board to notify the Commissioner of Health and Human Services within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the board awarding compensation, identifying the employee who is to receive the compensation. Finally, the bill authorizes the Department of Health and Human Services to contract for attorney services in order to pursue reimbursement of MaineCare costs in workers' compensation claims cases.

Joint Standing Committee on Labor

LD 1327 An Act To Amend Survivors' Benefits under the Workers' Compensation Laws

PUBLIC 361

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-504

This bill amends the law governing survivors' benefits under the workers' compensation laws to remove the 500-week limitation on survivors' benefits.

Committee Amendment "A" (H-504)

This amendment restores the 500-week limitation on payment of survivors' benefits removed by the bill but removes the death benefit credit employers have under current law for indemnity payments made to an injured worker up to the time of death.

Enacted Law Summary

Public Law 2007, Chapter 361 removes the death benefit credit employers have under current law for indemnity payments made to an injured worker up to the time of death.

LD 1345 An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J		

This bill defines "independent contractor" under the laws governing unemployment compensation to make it consistent with the definition of that term under the laws governing workers' compensation. In addition, this bill authorizes the Bureau of Unemployment Compensation to issue a predetermination of independent contractor status. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

Committee Amendment "A" (H-323)

This amendment, which is the minority report of the Joint Standing Committee on Labor, adds an appropriations and allocations section to the bill. This amendment was not adopted.

LD 1355 An Act Regarding the Calculation of the Livable Wage

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW	ONTP	

This bill directs the Department of Labor to calculate annually the livable wage for various household sizes using the methodology used by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage." The bill is based on the work of the Study Commission Regarding Livable Wages established pursuant to Resolve 2005, chapter 128.

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LD 1373 An Act To Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts

**P & S 17
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-273

Cost-of-living adjustments to retirement allowances for retirees of participating local districts under the Maine State Retirement System are currently limited to a maximum of 4%. The Consumer Price Index adjustment for September 2006 was 4.3%. This bill authorizes the Board of Trustees of the Maine State Retirement System to implement a one-time additional increase of .3% for retirees of participating local districts who were eligible for a cost-of-living adjustment in September 2006. The additional .3% increase will be paid retroactively to September 2006.

Committee Amendment "A" (H-273)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2007, Chapter 17, was enacted as an emergency measure effective June 4, 2007. This bill authorizes the Board of Trustees of the Maine State Retirement System to implement a one-time additional increase in the cost-of-living adjustment of .3% for retirees of participating local districts who were eligible for a cost-of-living adjustment in September 2006. The additional .3% increase will be paid retroactively to September 2006.

LD 1406 An Act To Improve the Retirement Benefit Plan for Children's Services Caseworkers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	ONTP	

This bill includes children's services caseworkers, supervisors and program administrators working in the Department of Health and Human Services on or hired by the department after July 1, 2007 in the 1998 Special Plan under the Maine State Retirement System. The plan's option to retire at age 55 recognizes the dangerous and stressful situations these staff face in their positions daily.

LD 1407 Resolve, To Address Issues Concerning the Employment of Senior Citizens

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP	

This resolve directs the Commissioner of Labor to convene a stakeholder group to study barriers to senior employment and how to promote best practices in senior employment, to review benefit reductions for working seniors and to undertake a public education campaign to promote the value of senior citizens in the workforce.

Joint Standing Committee on Labor

LD 1416 An Act To Create a Workers' Compensation Board Appeals Process

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	ONTP	

This bill provides for the appeal of decisions of hearing officers on workers' compensation claims to the Workers' Compensation Board, together with procedures.

LD 1435 An Act To Adopt a Regional Cost Differential for State Salaries, School Funding and Contracted Services

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to adopt a cost-of-living differential based on housing cost variations among the State's 31 labor market areas, as determined by the federal Department of Labor using commuting patterns from the 2000 U.S. Census. Under this bill, this regional adjustment would then be applied to the essential programs and services school funding formula, state employee salary negotiations and contracts for services by the Department of Health and Human Services and other state agencies.

LD 1436 Resolve, To Reduce the Level of Unfunded Liability for Health Benefits Owed to Retired State Employees

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

This bill directs the Commissioner of Administrative and Financial Services and the Executive Director of the Maine State Retirement System to review the amount currently owed to fund health insurance premiums for retired teachers and state employees, and develop a proposal to redefine such benefits for state employees and teachers so as to reduce the unfunded liability for retirees by 20% of its present assessed value. The commissioner and the executive director are directed to submit the proposal, together with any necessary implementing legislation, to the Joint Standing Committee on Labor no later than December 1, 2007.

LD 1438 An Act To Reverse the Effects of the Grant Case on Workers' Compensation BY REQUEST

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

This bill allows an employer a setoff of the amount of earnings paid to an employee after the filing of a petition for discontinuance or reduction of benefits against the weekly benefits that otherwise would have to be paid during the period following the filing of the certificate or petition.

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LD 1439 An Act To Enhance the Workers' Compensation Board Advocate Program

PUBLIC 312

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-179

This bill requires that individuals hired as worker advocates by the Workers' Compensation Board on or after the effective date of this legislation either be admitted to practice law in the State or be eligible to practice law in the State upon hiring and, within 12 months of hiring, be admitted to practice law in the State. This bill also increases the salary of the general counsel from salary range 86 to salary range 89 and reclassifies numerous additional positions.

Committee Amendment "A" (S-179)

This amendment establishes a new Workers' Compensation Advocate Attorney classification, reclassifies qualified Workers' Compensation Advocates to Workers' Compensation Advocate Attorneys, provides for the reclassification of vacant Workers' Compensation Advocate positions to Workers' Compensation Advocate Attorney positions, reclassifies other staff attorney and paralegal positions and provides a range change from 86 to 89 for the Workers' Compensation Board General Counsel position.

Enacted Law Summary

Public Law 2007, Chapter 312 establishes a new Workers' Compensation Advocate Attorney classification, reclassifies qualified Workers' Compensation Advocates to Workers' Compensation Advocate Attorneys, provides for the reclassification of vacant Workers' Compensation Advocate positions to Workers' Compensation Advocate Attorney positions, reclassifies other staff attorney and paralegal positions and provides a range change from 86 to 89 for the Workers' Compensation Board General Counsel position.

LD 1445 An Act To Define "Livable Wage";

PUBLIC 363

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS STRIMLING	OTP-AM	H-394 S-215 DOW

This bill directs the Department of Labor to annually calculate the livable wages for various household sizes using the methodology employed by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage" and requires the department to measure and report on the costs to workers paid less than a livable wage and the bureaucratic costs to subsidize workers paid less than a livable wage.

Committee Amendment "A" (H-394)

This amendment changes the defined household in the livable wage definition from a single-parent, one-child household to a 2-parent household with 2 earners and 2 children. The amendment also removes a section of the bill requiring the Department of Labor to measure annually the costs to workers paid less than a livable wage and the bureaucratic costs to subsidize workers paid less than a livable wage. This amendment also adds an appropriations and allocations section.

Senate Amendment "A" (S-215)

This amendment strikes the appropriations and allocations section.

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Enacted Law Summary

Public Law 2007, Chapter 363 directs the Department of Labor to annually calculate the livable wages for various household sizes using the methodology employed by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage" using a 2-parent household with 2 earners and 2 children.

LD 1454 An Act To Care for Working Families

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON		

This bill requires an employer to pay each employee a minimum of one hour of paid sick leave for every 30 hours worked by the employee. An employer is not required to provide to an employee paid sick leave in excess of 72 hours or 9 days annually. Paid sick leave may be used by an employee during an absence from employment due to the illness of the employee or the illness of an immediate family member. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1455 An Act Concerning the Duties of Employers in the Case of Mass Employee Termination

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK BRYANT B	ONTP	

This bill enacts a new chapter in Title 26 relating to mass termination notification and assistance. The bill provides:

- o An employer of at least 100 employees must give a one-year notice of an intended mass reduction of employees to the Director of Labor Standards, the employees, the affected municipalities and the relevant employee organizations, and must give severance pay to the employees and continue the employees' health benefits for up to one year after the reduction;
- o For the creation of a plant closing assistance fund, funded by payments from the employer, for technical assistance to keep the plant open and to reimburse communities for property tax loss;
- o An employer must offer the plant that is closing and its equipment and inventory for sale at fair market prices to interested employee organizations, private business concerns or government-owned or jointly owned businesses; and
- o An employee, affected municipality, employee organization or the Director of Labor Standards may bring an action against an employer who violates the proposed law.

LD 1467 Resolve, To Create Improved Employment Opportunities for People with Disabilities

RESOLVE 101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM	S-258

This resolve implements the recommendations of the report issued pursuant to Public Law 2005, chapter 570. It directs the Department of Health and Human Services and the Department of Labor to create an interdepartmental committee to develop a statewide transition plan to facilitate the implementation of a waiver allowing the expansion of supported employment as an alternative for people with developmental disabilities who are currently receiving freestanding day habilitation through MaineCare. This resolve also directs the Department of Health and Human

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Services and the Department of Labor to design and implement a system of community services using existing resources that supports the attainment of gainful employment in integrated settings in the community by persons with developmental disabilities. Finally, this resolve directs the Maine Jobs Council to convene a task force to oversee the development of a professional strategic marketing plan by marketing professionals and to identify resources for employer outreach. This bill also appropriates funds to accomplish this task.

Committee Amendment "A" (S-258)

This amendment changes the appropriations and allocations section and directs the Department of Labor to seek outside funds to supplement existing budgeted resources in order to pay the costs of developing a plan and identifying resources.

Enacted Law Summary

Resolves 2007, Chapter 101 implements the recommendations of the report issued pursuant to Public Law 2005, Chapter 570. It directs the Department of Health and Human Services and the Department of Labor to create an interdepartmental committee to develop a statewide transition plan to facilitate the implementation of a waiver allowing the expansion of supported employment as an alternative for people with developmental disabilities who are currently receiving freestanding day habilitation through MaineCare. This resolve also directs the Department of Health and Human Services and the Department of Labor to design and implement a system of community services using existing resources that supports the attainment of gainful employment in integrated settings in the community by persons with developmental disabilities. The resolve directs the Maine Jobs Council to convene a task force to oversee the development of a professional strategic marketing plan by marketing professionals and to identify resources for employer outreach. Finally, the resolve directs the Department of Labor to seek outside funds to supplement existing budgeted resources in order to pay the costs of developing a plan and identifying resources.

LD 1492 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Incurring Any New Unfunded Liabilities for Retiree Health Benefits and To Require a 20-year Amortization of Public Retiree Benefits **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

This resolution proposes to amend the Constitution of Maine to prohibit the State from incurring any new unfunded liabilities for retiree health benefits and to require the retirement within 20 years of the unfunded liability of all retirement benefits, including health benefits, owed by the State.

LD 1493 An Act To Authorize the Employer To Adjust Workers' Compensation Benefits When the Employee Returns To Work for Another Employer **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

This bill permits an employer, insurer or group self-insurer responsible for paying benefits to reduce compensation to an employee pending a hearing when the employee receives an increase in pay from an employer who is not the employer responsible for paying compensation. The bill obligates the payer to increase benefits when an employee on partial compensation sustains a loss of earnings and files a petition for increased benefits. The bill increases the rate of interest payable on withheld benefits from 6% a year to 1% a month.

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**LD 1511 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Dispose of Unfunded Liabilities in State Retiree Health Care Plans**

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER	OTP-AM	S-259

This constitutional resolution proposes the amendment of the Constitution of Maine to eliminate the unfunded liabilities of the state retiree health care plans by fiscal year 2033 and to prohibit any further plan liabilities unless those liabilities are fully funded when they are incurred.

Committee Amendment "A" (S-259)

This amendment provides a requirement for the allocation of funds in the proposed constitutional amendment, identifies state employee and teacher plans as the subject of the amendment, changes from 25 to 30 years the time period by the end of which unfunded liabilities will be retired, provides that actuarial analyses be conducted every 2 years as a basis for annual payments and removes a prohibition on incurring further liability.

**LD 1538 Resolve, To Further the Collection of Hospital Quality Data Regarding
Nurse Staffing**

RESOLVE 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	OTP-AM	H-517

This bill provides minimum staffing requirements for direct-care registered nurse-to-patient staffing in all hospitals, with an increase of direct-care registered nurses and other licensed and unlicensed nursing staff required based on the individual acuity of the patients. The bill includes professional responsibilities for direct-care registered nurses and protections for certain functions and activities. The bill requires daily posting of staffing ratios, requires that patients be given the toll-free telephone number of the Division of Licensing and Regulatory Services within the Department of Health and Human Services and provides fines of up to \$25,000 for violations of the provisions of the bill. Hospital management, nursing services or medical personnel who violate or interfere with protected rights under the bill are also subject to penalties.

Committee Amendment "A" (H-517)

This amendment strikes the bill and the title and replaces the bill with a resolve. The resolve requires the Maine Health Data Organization to adopt rules that require the submission of measures of nursing satisfaction using only metrics that can be compared to national benchmark data. The resolve also requires the Department of Health and Human Services to adopt rules that direct hospitals to provide annual notice of the provisions of the Whistleblowers' Protection Act to registered nurses.

Enacted Law Summary

Resolves 2007, Chapter 88 requires the Maine Health Data Organization to adopt rules that require the submission of measures of nursing satisfaction using only metrics that can be compared to national benchmark data. The resolve also requires the Department of Health and Human Services to adopt rules that direct hospitals to provide annual notice of the provisions of the Whistleblowers' Protection Act to registered nurses.

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LD 1543 An Act To Clarify the Use of Tips in Payment of Service Employees

PUBLIC 367

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-370

This bill clarifies that tips belong to the employee providing direct service and that the entire tip, less a pro-rated percentage, if any, charged by a credit card company from any credit card payment must go to the employee by the next regular payday. The bill also allows the pooling of tips in limited circumstances. The bill amends the definition of service employee by providing examples and raising the minimum amount that must be earned in tips in order to meet the definition.

Committee Amendment "A" (H-370)

This amendment removes the word "evenly" from language allowing service employees to split tips and strikes a provision allowing an employer to deduct a prorated percentage of the credit card charge from an employee's tip.

Enacted Law Summary

Public Law 2007, Chapter 367 clarifies that tips belong to the employee providing direct service and that the entire tip must go to the employee by the next regular payday. The bill also allows the pooling of tips in limited circumstances. The bill amends the definition of service employee by providing examples and raising the minimum amount that must be earned in tips in order to meet the definition.

LD 1544 An Act To Enact the Home Care Consumer and Worker Protection Act

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-535

This bill creates the Home Care Consumer and Worker Protection Act. The purpose of this bill is to ensure that both the consumer and the home care services worker are given the ability to make informed, knowledgeable decisions regarding their status as employers, independent contractors and employees.

Committee Amendment "A" (H-535)

This amendment strikes the bill and replaces it with language amending a section of the Maine Revised Statutes pertaining to the regulation of personal care agencies by adding placement agencies to the regulatory scheme. The amendment increases penalties for violations of the regulatory requirements of the section and adds an unallocated section that requires the Department of Health and Human Services to convene a work group to make recommendations regarding the regulation of personal care agencies and placement agencies.

LD 1545 An Act To Protect Workers from Political or Religious Intimidation

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	ONTP	

This bill prohibits an employer from discriminating in employment matters on the basis of an employee's refusal to participate in meetings or communication related to the employer's political or religious views. An employee

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seeking redress must allow the employer to correct the violation; any further action by the employee must be through the Maine Human Rights Commission. The bill does not affect the right of the employer to ban political speech in the workplace during work hours.

LD 1546 An Act To Require Employees Injured at Work To Report Those Injuries within 24 Hours **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	ONTP	

This bill amends the current requirement that the employee give notice of injury within 90 days of the date of injury to require that the employee give notice within 24 hours of the date of injury in order to maintain proceedings for compensation under the Workers' Compensation Act.

LD 1569 An Act To Allow Certain Veterans Who Did Not Previously Qualify To Buy Maine State Retirement System Time at a Subsidized Rate **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP	

This bill makes General Fund appropriations of \$88,202 in fiscal year 2007-08 and \$127,138 in fiscal year 2008-09 to the Maine State Retirement System to allow for 3 members per year who the Maine State Retirement System has determined are qualified to purchase military service credit at a subsidized rate pursuant to Public Law 2003, chapter 693.

LD 1583 An Act To Provide Retirement Equity to Forest Ranger Supervisory Personnel Whose Retirement Plans Were Changed after Initial Date of Hire **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	ONTP	

This bill provides that service retirement benefits for District Ranger, Regional Ranger, State Ranger Supervisor and Chief Ranger Pilot job classifications included in the 1998 Special Plan be computed on the basis of all the member's creditable service, regardless of when that service was earned.

LD 1585 An Act To Assist the Independent Medical Examiner Program for Workers' Compensation **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE		

This bill changes independent medical examiner eligibility criteria which currently provide that a physician is ineligible where any 207 examination has been performed during the previous 52 weeks. Under the bill, a physician is not ineligible unless the physician has examined:

- o the employee; or
- o ten or more employees in accordance with section 207; or

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o ten or more employees referred to the physician directly or indirectly by counsel for the employee during the previous 52 weeks.

The bill also provides that the Workers' Compensation Board's determination of an independent medical examiner's eligibility may not be raised as an issue in the dispute resolution process for the claim of an employee and that such Board determinations constitute final agency action. Finally, the bill requires that the deposition of an independent medical examiner may take place only in accordance with section 309, subsection 3, and that the subject matter of the deposition must be confined to the claim of the employee and the medical questions arising from that claim. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1586 Resolve, Directing the Department of Labor To Examine Policy and Programmatic Alternatives for the Establishment of a Wage Loss Insurance System To Provide Wage Security in the Event of Loss of Earnings **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	ONTP	

This resolve requires the Department of Labor to conduct a study of the laws, policies and programs, including those in other jurisdictions, relating to the establishment of a wage loss insurance system. The department shall call upon interested parties in conducting its study and shall submit a report to the Joint Standing Committee on Labor with its findings, recommendations and any proposed implementing legislation.

LD 1593 An Act To Require the Consent of Union Members To Have Dues Used for Political Purposes **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANSLEY	ONTP	

This bill requires a bargaining agent who receives a fee or dues from an employee for representation of that employee to obtain written consent from that employee before using a portion of the fee or dues for political purposes.

LD 1599 An Act To Allow Service Credit for Teachers in the Retirement System for Certain Educational Development **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	ONTP	

This bill provides that teachers covered under the Maine State Retirement System may purchase service credit for educational development activities. It also allows teachers with creditable service for leave taken for educational development activities prior to July 1, 1993 to use that service time for the purpose of completing the 10-year requirement pursuant to the Maine Revised Statutes, Title 5, section 17851, subsection 1-B if the member purchases that creditable service under Title 5, section 17767 before January 1, 2009.

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LD 1603 An Act To Make Actuarially Fair Adjustments in Retirement Benefits for Older Employees

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	ONTP	

Sections 1 through 5 of the bill replace the current retirement system for state employees, which provides for normal retirement benefits beginning at age 60 or 62, with a system that indexes the age of eligibility to the number of years of remaining life expectancy. The reform is calibrated to retain the identical life expectancy in retirement as is projected for individuals retiring this year. For those currently eligible for retirement benefits at age 60, the indexed system would provide normal benefits at the age when there are 22 years and 2 months of remaining life expectancy. For those currently eligible for retirement benefits at age 62, the indexed system would provide normal benefits at the age when there are 20 years and 7 months of remaining life expectancy. These ages of eligibility would be revised annually, based on life expectancy statistics maintained by the National Center for Health Statistics. Section 6 of the bill provides for a 6% increase in the retirement benefit amount for each year that an employee works after the normal retirement age. This adjustment prevents older workers from losing the actuarial value of their accumulated benefits if they continue to work beyond the normal retirement age.

LD 1604 An Act To End the Automatic Deduction of Union Dues from the Paychecks of Nonunion Members

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANSLEY	ONTP	

This bill specifies that public employees, including state and legislative employees, university, academy and community college employees, judicial employees and agricultural employees, may not be required by an employer or other person to join a union, labor organization or bargaining agent unit and may not be required to pay union dues or fees of any type.

LD 1616 An Act To Allow Temporary State Workers To Contribute to Social Security

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	ONTP	

This bill makes membership in the Maine State Retirement System optional for temporary state employees, including temporary employees of the Maine Turnpike Authority, and requires the State to enter into agreements with the Federal Security Administrator to extend social security benefits to them as an alternative.

LD 1653 An Act To Prevent Real Minimum Wages from Falling

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	ONTP	

This bill provides for the state minimum hourly wage to be adjusted for inflation beginning January 1, 2008 and annually thereafter. The bill requires the Department of Labor to calculate the inflation-adjusted minimum hourly

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wage based on changes in the consumer price index and to exclude from the calculation any month in which the State's unemployment rate exceeds the national unemployment rate.

LD 1672 An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS		S-257

This bill allows detectives in the Office of the Attorney General to elect to participate in the 1998 Special Plan of the Maine State Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service, or may retire before 55 years of age with 25 years of creditable service and a reduced benefit. This bill also amends the definition of "law enforcement officer" for purposes of the law governing death benefits to ensure that all sworn law enforcement officers are eligible to receive so-called "line of duty" death benefits.

Committee Amendment "A" (S-257)

This amendment removes the option to participate in the 1998 Special Plan of the Maine State Retirement System for persons hired by the Office of the Attorney General prior to July 1, 2007, making participation mandatory for all detectives in the employment of the Office of the Attorney General on July 1, 2007 or hired thereafter. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1691 An Act To Improve the Independent Medical Examiner System

ACCEPTED ONTP REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	ONTP MAJ OTP-AM MIN	

This bill provides that the Workers' Compensation Board may order an examination by an independent medical examiner only if both parties to a dispute request such an examination.

Committee Amendment "A" (S-300)

This amendment is the minority report of the Joint Standing Committee on Labor. It requires the Workers' Compensation Board to expend resources to pay independent medical examiner fees to determine the extent and causation of work-related injuries. The amendment increases the assessments that the board may levy against insurers. The amendment also adds an appropriations and allocations section and corrects cross-references to repealed sections of law.

LD 1693 An Act To Restore Equity to the Maine State Retirement System

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS		

The Maine State Retirement System currently contains two separate benefit structures based upon the status of participants on July 1, 1993. This bill addresses one of the major benefit reductions imposed upon employees with less than ten years of service on July 1, 1993 by reducing the penalty for retiring earlier than 62 years of age from 6% per year to 3% per year. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

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LD 1697 An Act To Ensure Fair Wages

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING		

This bill increases the minimum wage to \$7.70 per hour in 2008 and to \$8.40 per hour in 2009. Each year after that, the minimum wage is adjusted based on changes in prices, so that the minimum hourly wage will retain its purchasing power. The price adjustment is based on the change in the Consumer Price Index. The bill also removes exemptions to the State's minimum wage and overtime laws. The bill also changes the tip credit to \$3 per hour rather than 50% of the state minimum wage as under current law. The bill also amends the laws governing enforcement of minimum wage and overtime laws by increasing penalties, increasing remedies in private civil actions and expanding the scope of antiretaliation provisions. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1738 An Act To Amend the Laws Relating to the Maine State Retirement System

PUBLIC 249

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP	

The bill makes the following changes to the laws governing the Maine State Retirement System.

1. It removes language that became obsolete when the retirement system became a public instrumentality in 1993.
2. It clarifies when Maine State Retirement System creditable service may be transferred to the Maine Legislative Retirement System.
3. It amends the laws that govern when the retirement system must report to the Legislature regarding the occurrence of a Consumer Price Index increase that exceeds the statutory cap on cost-of-living adjustments in retirement benefits for retirees from the judicial plan and the participating local district plans.
4. It gives judges the same retirement beneficiary provision as was enacted for other system members by Public Law 2005, chapter 560.
5. It repeals references to health insurance and health insurance funds, in which the retirement system no longer serves a role.
6. It repeals some sections of law and amends other sections that refer to funds that are no longer segregated by the retirement system into separate funds.
7. It clarifies that "early retirement" includes retirement from the 1998 Special Plan prior to reaching the normal retirement age of that plan.
8. It makes clear that the employer contribution rate must support the payment of survivors' benefits and disability retirement benefits. This is not a change but a clarification.
9. It removes an incorrect cross-reference and inserts a definition of "federally recognized period of conflict" for participating local district members that is consistent with that for other retirement system members.
10. It permits an individual to be duly designated as a member of the Participating Local District Advisory Committee by respective constituent groups who formerly made nominations to the Governor. It removes the requirement that those individuals also be appointed by the Governor. It also deletes obsolete requirements pertaining to initial terms of committee members.
11. It provides that the laws governing the unauthorized practice of law do not apply to a person who is not an attorney who is representing a party in any hearing, action or proceeding before the Maine State Retirement System.

Enacted Law Summary

Joint Standing Committee on Labor

Public Law 2007, Chapter 249 makes the following changes to the laws governing the Maine State Retirement System.

1. It removes language that became obsolete when the retirement system became a public instrumentality in 1993.
2. It clarifies when Maine State Retirement System creditable service may be transferred to the Maine Legislative Retirement System.
3. It amends the laws that govern when the retirement system must report to the Legislature regarding the occurrence of a Consumer Price Index increase that exceeds the statutory cap on cost-of-living adjustments in retirement benefits for retirees from the judicial plan and the participating local district plans.
4. It gives judges the same retirement beneficiary provision as was enacted for other system members by Public Law 2005, chapter 560.
5. It repeals references to health insurance and health insurance funds, in which the retirement system no longer serves a role.
6. It repeals some sections of law and amends other sections that refer to funds that are no longer segregated by the retirement system into separate funds.
7. It clarifies that "early retirement" includes retirement from the 1998 Special Plan prior to reaching the normal retirement age of that plan.
8. It makes clear that the employer contribution rate must support the payment of survivors' benefits and disability retirement benefits. This is not a change but a clarification.
9. It removes an incorrect cross-reference and inserts a definition of "federally recognized period of conflict" for participating local district members that is consistent with that for other retirement system members.
10. It permits an individual to be duly designated as a member of the Participating Local District Advisory Committee by respective constituent groups who formerly made nominations to the Governor. It removes the requirement that those individuals also be appointed by the Governor. It also deletes obsolete requirements pertaining to initial terms of committee members.
11. It provides that the laws governing the unauthorized practice of law do not apply to a person who is not an attorney who is representing a party in any hearing, action or proceeding before the Maine State Retirement System.

LD 1777 An Act for Fair Treatment of Workers BY REQUEST

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	ONTP	

This bill provides that an employer may terminate an employee for misconduct only. If an employer violates this provision, the employer must pay the employee an amount equal to one week's pay for each year the employee worked for the employer after the first year of employment.

LD 1809 An Act To Base Minimum Wage Increases on the Consumer Price Index

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE STRIMLING	ONTP	

This bill provides that, starting July 1, 2009 and every July 1st thereafter, the Commissioner of Labor shall adjust the minimum hourly wage by any positive percentage change in the Consumer Price Index in the previous year. The changes in the bill are contingent upon approval by the voters at referendum in November 2008.

Joint Standing Committee on Labor

LD 1832 An Act To Amend the Unemployment Compensation Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY STRIMLING	ONTP	

This bill provides that an individual who is receiving unemployment benefits and who finds work no later than 3 weeks after making an initial claim for benefits must receive a bonus equal to 2 weeks of benefits, payable as a lump sum. An individual who is receiving benefits and who finds work no later than 6 weeks after making an initial claim for benefits must receive a bonus equal to one week of benefits. The bill also requires that an individual provide proof of having contacted a minimum of 5 employers in a week in order to be eligible to receive unemployment compensation for that week.

LD 1861 An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992

PUBLIC 218

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This bill provides that penalties for nonpayment of bills for medical or health care services provided in a workers' compensation case are payable to the provider of the medical or health care services or the employee who paid for the medical or health care services instead of the Workers' Compensation Board Administrative Fund.

Enacted Law Summary

Public Law 2007, Chapter 218 provides that penalties for nonpayment of bills for medical or health care services provided in a workers' compensation case are payable to the provider of the medical or health care services or the employee who paid for the medical or health care services instead of the Workers' Compensation Board Administrative Fund.

LD 1862 An Act Regarding Fairness for Families Regarding Workers' Compensation Coverage

PUBLIC 350

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-475

This bill adds registered domestic partners to the list of individuals who may waive workers' compensation coverage in certain circumstances.

Committee Amendment "A" (H-475)

This amendment changes a definitional reference throughout the bill.

Enacted Law Summary

Public Law 2007, Chapter 350 adds registered domestic partners to the list of individuals who may waive workers' compensation coverage in certain circumstances.

Joint Standing Committee on Labor

LD 1884 An Act To Create the Competitive Skills Scholarship Fund and To Improve Maine Employment Security Programs

PUBLIC 352

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL STRIMLING	OTP-AM	H-503

This bill contains four parts. Part A establishes the Competitiveness Training Program to provide access to education, training and support through the Department of Labor's career centers, to prepare individuals for high-wage jobs in industries with significant demand for skilled labor, as designated by the department. Part A establishes the Competitiveness Training Fund which receives payments from employers in the same manner as unemployment insurance contributions. These payments are offset by a reduction in unemployment insurance contributions for a zero net effect. Part A also reduces the benefit reserve cap on the Unemployment Trust Fund from 21 months to 18 months, giving employers a reduction in unemployment taxes for the first two years following implementation.

Part B eliminates the pension offset against unemployment benefits for persons who receive social security or any other pension or plan to which the individual made at least 50% of the contributions. If the person contributed some amount to the pension, but less than 50%, the offset is made after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the pension by that person.

Part C provides for the continuation of the unemployment compensation provision that permits certain people who are able and available for part-time work to receive unemployment benefits.

Part D provides for the distribution to the Department of Labor of federal funds under the Reed Act. In 2002, Maine received \$32,486,816 in Reed Act funds. Under federal law, these funds may be used only to maintain the State's unemployment and public employment system or to pay regular unemployment benefits. Part D authorizes the use of \$5,200,000 of Reed Act funds to make technological upgrades and improvements to the unemployment insurance and employment services computer systems as well as improvements to the labor market information services computer systems as they pertain to the analysis of unemployment and employment data. Additionally, a portion of these funds will be used to pay the administrative costs associated with helping unemployment benefit recipients return to work more quickly and to reduce the benefit costs of the unemployment insurance program.

Committee Amendment "A" (H-503)

This amendment changes the name of the training fund to the Competitive Skills Scholarship Fund and the name of the program to the Competitive Skills Scholarship Program. The title of the bill is replaced to reflect these name changes. The amendment provides that unencumbered balances in the Competitive Skills Scholarship Fund remain in the fund and do not lapse to the General Fund. The amendment also provides that Competitive Skills Scholarship Fund dollars must be used to supplement, and not supplant, other state or local funds that are used to deliver workforce investment services through Maine's CareerCenters. The amendment includes technical changes to make the bill internally consistent and clarifies that an individual career plan is developed in cooperation with the participant and that it must, to the maximum extent feasible, reflect the preferences of the participant, provided that the individual career plan remains within the confines of the goals of the program. The amendment also clarifies that participants must be given a description of the program as well as a list of services and supports available through the program. The amendment also permits the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose to designated employees of the Department of Labor information necessary to administer the contributions to the Competitive Skills Scholarship Fund. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2007, Chapter 352 contains four parts. Part A establishes the Competitive Skills Scholarship Program to

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provide access to education, training and support through the Department of Labor's career centers, to prepare individuals for high-wage jobs in industries with significant demand for skilled labor, as designated by the department. Part A establishes the Competitive Skills Scholarship Fund which receives payments from employers in the same manner as unemployment insurance contributions. These payments are offset by a reduction in unemployment insurance contributions for a zero net effect. Part A also reduces the benefit reserve cap on the Unemployment Trust Fund from 21 months to 18 months, giving employers a reduction in unemployment taxes for the first two years following implementation. The bill provides that unencumbered balances in the Competitive Skills Scholarship Fund remain in the fund and do not lapse to the General Fund. The bill also provides that Competitive Skills Scholarship Fund dollars must be used to supplement, and not supplant, other state or local funds that are used to deliver workforce investment services through Maine's CareerCenters.

Part B eliminates the pension offset against unemployment benefits for persons who receive social security or any other pension or plan to which the individual made at least 50% of the contributions. If the person contributed some amount to the pension, but less than 50%, the offset is made after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the pension by that person.

Part C provides for the continuation of the unemployment compensation provision that permits certain people who are able and available for part-time work to receive unemployment benefits.

Part D provides for the distribution to the Department of Labor of federal funds under the Reed Act. In 2002, Maine received \$32,486,816 in Reed Act funds. Under federal law, these funds may be used only to maintain the State's unemployment and public employment system or to pay regular unemployment benefits. Part D authorizes the use of \$5,200,000 of Reed Act funds to make technological upgrades and improvements to the unemployment insurance and employment services computer systems as well as improvements to the labor market information services computer systems as they pertain to the analysis of unemployment and employment data. Additionally, a portion of these funds will be used to pay the administrative costs associated with helping unemployment benefit recipients return to work more quickly and to reduce the benefit costs of the unemployment insurance program.

LD 1915 An Act To Protect Fair Share Workers from Termination

PUBLIC 415

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ ONTP MIN	S-274

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to prohibit an employer from discharging an employee who refuses to pay service fees imposed by a union.

Committee Amendment "A" (S-274)

This amendment specifies that public employees, including state and legislative employees, university, academy and community college employees and judicial employees, may not be required by an employer or other person to join a union, labor organization or bargaining agent and may not be terminated for nonpayment of any service fee. The amendment permits the employer to deduct service fees from the pay of unit members who do not join the union. The amendment further provides that any fee balance owed to the union may be deducted only to the extent that the total deduction for the current fee and arrears installment does not exceed in each pay period 10% of the employee's gross pay. Finally, the amendment directs the Maine Labor Relations Board to develop recommendations to improve the procedures for resolving disputes over a union's calculation of its service fee and report those recommendations to the Joint Standing Committee on Labor.

Enacted Law Summary

Public Law 2007, Chapter 415 specifies that public employees, including state and legislative employees, university, academy and community college employees and judicial employees, may not be required by an employer or other

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person to join a union, labor organization or bargaining agent and may not be terminated for nonpayment of any service fee. This law permits the employer to deduct service fees from the pay of unit members who do not join the union. The law further provides that any fee balance owed to the union may be deducted only to the extent that the total deduction for the current fee and arrears installment does not exceed in each pay period 10% of the employee's gross pay. Finally, this law directs the Maine Labor Relations Board to develop recommendations to improve the procedures for resolving disputes over a union's calculation of its service fee and report those recommendations to the Joint Standing Committee on Labor.

**LD 1931 An Act To Protect Employee Choice of Collective Bargaining Agents in
the Educational Unit Consolidation Process**

CARRIED OVER

Sponsor(s)

MARTIN

Committee Report

Amendments Adopted

This bill removes language from the regional school unit authorization laws requiring the merger of bargaining units on a regional school unit-wide basis and enacts new provisions preserving existing bargaining units, existing collective bargaining agents and existing collective bargaining obligations. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

Joint Standing Committee on Labor

SUBJECT INDEX

Employee Benefits

Enacted

LD 256	An Act To Assist Maine Military Families	PUBLIC 388
LD 375	An Act To Amend the Family Medical Leave Laws	PUBLIC 261
LD 1261	An Act To Clarify Intermittent Leave under the Family Medical Leave Laws	PUBLIC 233

Not Enacted

LD 903	An Act To Assist Maine Military Families	ONTP
LD 1454	An Act To Care for Working Families	CARRIED OVER

Employment Practices

Enacted

LD 955	An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing of Temporary Workers	PUBLIC 339
LD 1086	An Act To Clarify Worker Payment for Clothing and Equipment	PUBLIC 357
LD 1538	Resolve, To Further the Collection of Hospital Quality Data Regarding Nurse Staffing	RESOLVE 88

Not Enacted

LD 75	An Act To Prohibit Credit Checks for Purposes of Employment	ONTP
LD 729	An Act To Compensate Employees Required To Be "On-call" by Their Employers	ACCEPTED ONTP REPORT
LD 1024	An Act To Address Labor Practices with On-call Workers	ONTP
LD 1113	An Act To Prevent Workplace Bullying	ONTP
LD 1545	An Act To Protect Workers from Political or Religious Intimidation	ONTP

Individuals with Disabilities Employment

Enacted

LD 1055	Resolve, To Establish a Working Group To Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population	RESOLVE 100 EMERGENCY
LD 1467	Resolve, To Create Improved Employment Opportunities for People with Disabilities	RESOLVE 101

Not Enacted

LD 233	An Act To Provide Funds for Voice-activated Telephones	ONTP
LD 870	An Act To Enhance Education Services for Blind and Visually Impaired Children	DIED ON ADJOURNMENT
LD 1032	An Act To Improve Employment Opportunities for Persons with Disabilities in Maine	CARRIED OVER

Insurance

Not Enacted

LD 201	An Act To Increase the State's Share of Retired Teachers' Health Insurance	DIED ON ADJOURNMENT
LD 225	An Act To Provide Flexibility in Health Insurance for Spouses under the State Employee Health Insurance Plan	ONTP
LD 619	An Act To Require All State Employees To Carry State Health Insurance	ONTP
LD 661	An Act To Maintain Retirement Health Benefits for State Retirees	ONTP
LD 845	An Act To Tie the Percentage of Health Insurance Benefits for Retired Teachers to That of Retired Legislators	ONTP
LD 1436	Resolve, To Reduce the Level of Unfunded Liability for Health Benefits Owed to Retired State Employees	ONTP
LD 1492	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Incurring Any New Unfunded Liabilities for Retiree Health Benefits and To Require a 20-year Amortization of Public Retiree Benefits	ONTP
LD 1511	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans	DIED BETWEEN HOUSES

Labor Department

Enacted

LD 844	An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information	PUBLIC 126
LD 1445	An Act To Define "Livable Wage";	PUBLIC 363
LD 1884	An Act To Create the Competitive Skills Scholarship Fund and To Improve Maine Employment Security Programs	PUBLIC 352

Not Enacted

LD 595	An Act To Define "Livable Wage"	ONTP
LD 1060	Resolve, To Study the State's Career Center Network and Create a Sustainable System	CARRIED OVER
LD 1087	An Act To Facilitate Debarment of State Contractors with Serious or Repeated Labor Violations	ONTP
LD 1355	An Act Regarding the Calculation of the Livable Wage	ONTP
LD 1407	Resolve, To Address Issues Concerning the Employment of Senior Citizens	ONTP
LD 1544	An Act To Enact the Home Care Consumer and Worker Protection Act	DIED BETWEEN HOUSES

Labor Relations

Enacted

LD 1158	An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation	PUBLIC 175
LD 1915	An Act To Protect Fair Share Workers from Termination	PUBLIC 415

Not Enacted

LD 757	An Act To Improve the Ability of Superintendents To Act in the Best Interests of Students	ONTP
LD 814	An Act To Incorporate Binding Arbitration for Monetary Issues in Collective Bargaining for All State Employees	DIED BETWEEN HOUSES
LD 913	An Act To Amend State Employees' Bargaining Agents' Election Contributions	ONTP
LD 1593	An Act To Require the Consent of Union Members To Have Dues Used for Political Purposes	ONTP

LD 1604	An Act To End the Automatic Deduction of Union Dues from the Paychecks of Nonunion Members	ONTP
LD 1931	An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process	CARRIED OVER

Miscellaneous

Enacted

LD 259	An Act To Clarify the Composition of the Advisory Council on Tax-deferred Arrangements	PUBLIC 298
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Not Enacted

LD 125	Resolve, To Expedite a Workers' Compensation Case	CARRIED OVER
LD 297	Resolve, Authorizing Elizabeth O'Connor To Rejoin the Maine State Retirement System	CARRIED OVER
LD 541	An Act To Encourage the Owners of Sole Proprietorships To Hire More Employees	ONTP
LD 869	Resolve, Directing the Maine State Retirement System To Recalculate the Retirement Benefits of D'Lila Terracin	CARRIED OVER
LD 1435	An Act To Adopt a Regional Cost Differential for State Salaries, School Funding and Contracted Services	ONTP

Occupational Safety

Not Enacted

LD 591	An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects	CARRIED OVER
LD 933	An Act To Authorize the Certification of Workplace Safety Programs Offered by Workers' Compensation Insurers	ONTP

State Retirement System

Enacted

LD 323	An Act Permitting Substitute Teachers To Opt Out of the Maine State Retirement System	PUBLIC 305
LD 512	An Act To Change the Name of the Maine State Retirement System	PUBLIC 58
LD 712	An Act To Continue To Allow Public Retiree Organizations Access to the Maine State Retirement System's List of All State Retirees	PUBLIC 47 EMERGENCY
LD 776	An Act To Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008	P & S 9 EMERGENCY

LD 827	An Act To Allow Certain Special Education Teachers To Acquire Time from the Maine State Retirement System	PUBLIC 303
LD 871	An Act To Amend the Laws Relating to the Treatment of Maine State Retirement System Contributions for Terminated	PUBLIC 137
LD 1373	An Act To Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts	P & S 17 EMERGENCY
LD 1738	An Act To Amend the Laws Relating to the Maine State Retirement System	PUBLIC 249
<u>Not Enacted</u>		
LD 5	An Act To Provide Equal Treatment for All Veterans in the Laws Governing the Maine State Retirement System	ONTP
LD 549	An Act To Fund the Purchase of Maine State Retirement System Time by Certain Veterans	DIED ON ADJOURNMENT
LD 763	An Act To Allow Early Retirement for Captains in the Maine State Ferry Service	ONTP
LD 998	An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services	DIED ON ADJOURNMENT
LD 1177	Resolve, To Establish the Commission on Retirement Policy Funding and Reform	ONTP
LD 1223	An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers	CARRIED OVER
LD 1406	An Act To Improve the Retirement Benefit Plan for Children's Services Caseworkers	ONTP
LD 1569	An Act To Allow Certain Veterans Who Did Not Previously Qualify To Buy Maine State Retirement System Time at a Subsidized Rate	ONTP
LD 1583	An Act To Provide Retirement Equity to Forest Ranger Supervisory Personnel Whose Retirement Plans Were Changed after Initial Date of Hire	ONTP
LD 1599	An Act To Allow Service Credit for Teachers in the Retirement System for Certain Educational Development	ONTP
LD 1603	An Act To Make Actuarially Fair Adjustments in Retirement Benefits for Older Employees	ONTP
LD 1616	An Act To Allow Temporary State Workers To Contribute to Social Security	ONTP
LD 1672	An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers	CARRIED OVER
LD 1693	An Act To Restore Equity to the Maine State Retirement System	CARRIED OVER

Unemployment Compensation

Enacted

LD 382	An Act To Correct an Inconsistency in Unemployment Insurance Tax Law	PUBLIC 23
LD 1015	An Act To Amend the Unemployment Laws	PUBLIC 230

Not Enacted

LD 105	An Act To Promote Hiring of Seasonal Workers	ONTP
LD 155	An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits	ONTP
LD 457	An Act To Require Nonprofit Employers To Disclose All Benefits Available, Including Unemployment Insurance, to Employees and Prospective Employees	ONTP
LD 660	An Act To Change the Qualifications for the Chair of the Maine Unemployment Insurance Commission	ONTP
LD 1272	An Act To Repeal Certain Unemployment Benefit Disqualifications	ONTP
LD 1310	An Act To Make Unemployment Compensation Law More Fair to Seniors	ONTP
LD 1345	An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes	CARRIED OVER
LD 1586	Resolve, Directing the Department of Labor To Examine Policy and Programmatic Alternatives for the Establishment of a Wage Loss Insurance System To Provide Wage Security in the Event of Loss of Earnings	ONTP
LD 1832	An Act To Amend the Unemployment Compensation Laws	ONTP

Wages

Enacted

LD 224	An Act To Provide for Minimum Wage and Overtime Coverage for Certain Domestic Workers	PUBLIC 22
LD 392	An Act To Establish Penalties for Violation of the Severance Pay Law	PUBLIC 333
LD 1295	An Act To Amend the Labor Laws Regarding Automobile Dealerships	PUBLIC 360
LD 1543	An Act To Clarify the Use of Tips in Payment of Service Employees	PUBLIC 367

Not Enacted

LD 124	An Act To Allow the Recovery of Reasonable Attorney's Fees	ONTP
LD 412	An Act To Clarify the Application of Prevailing Wage Requirements	CARRIED OVER
LD 934	An Act To Establish Working Hours and Wages for Teenagers	ONTP
LD 1455	An Act Concerning the Duties of Employers in the Case of Mass Employee Termination	ONTP
LD 1653	An Act To Prevent Real Minimum Wages from Falling	ONTP
LD 1697	An Act To Ensure Fair Wages	CARRIED OVER
LD 1777	An Act for Fair Treatment of Workers BY REQUEST	ONTP
LD 1809	An Act To Base Minimum Wage Increases on the Consumer Price Index	ONTP

Workers' Compensation

Enacted

LD 41	An Act Regarding Final Agency Action Subject to Appeal Pursuant to the Maine Workers' Compensation Act of 1992	PUBLIC 78
LD 136	An Act Regarding the Enforcement of Penalties under the Maine Workers' Compensation Act of 1992	PUBLIC 26
LD 1107	An Act To Promote Compliance with the Workers' Compensation Laws	PUBLIC 265
LD 1259	An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases	PUBLIC 313
LD 1314	An Act To Reimburse MaineCare in Certain Workers' Compensation Cases	PUBLIC 311
LD 1327	An Act To Amend Survivors' Benefits under the Workers' Compensation Laws	PUBLIC 361
LD 1439	An Act To Enhance the Workers' Compensation Board Advocate Program	PUBLIC 312
LD 1861	An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992	PUBLIC 218
LD 1862	An Act Regarding Fairness for Families Regarding Workers' Compensation Coverage	PUBLIC 350

Not Enacted

LD 522	An Act To Require the Posting of Proof of Workers' Compensation Insurance at Construction Sites	ONTP
LD 689	An Act To Facilitate MaineCare Reimbursement in Workers' Compensation Cases	ONTP
LD 1275	An Act To Promote Workplace Safety and Certainty within the Construction Industry by Authorizing the Workers' Compensation Board To Issue Construction Contractor Certificates	CARRIED OVER
LD 1285	An Act To Amend the Laws Regarding Appeals from Decisions Issued by the Workers' Compensation Board	ONTP
LD 1416	An Act To Create a Workers' Compensation Board Appeals Process	ONTP
LD 1438	An Act To Reverse the Effects of the Grant Case on Workers' Compensation BY REQUEST	ONTP
LD 1493	An Act To Authorize the Employer To Adjust Workers' Compensation Benefits When the Employee Returns To Work for Another Employer	ONTP
LD 1546	An Act To Require Employees Injured at Work To Report Those Injuries within 24 Hours	ONTP
LD 1585	An Act To Assist the Independent Medical Examiner Program for Workers' Compensation	CARRIED OVER
LD 1691	An Act To Improve the Independent Medical Examiner System	ACCEPTED ONTP REPORT

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