

Joint Standing Committee on Labor

LD 235

An Act To Increase the Minimum Wage

PUBLIC 578

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM MAJ	H-725
BRYANT B	ONTP MIN	

LD 235 proposed to increase the State minimum hourly wage to \$6.75 per hour starting October 1, 2006 and to \$7.00 per hour starting October 1, 2007.

Committee Amendment “A” (H-725) proposed to update the bill to correct the reference to the current State minimum hourly wage, retaining the proposed increase of the State minimum hourly wage to \$7.00 per hour over a 2-year period.

House Amendment “A” (H-807) proposed to allow a tax credit to an employer who hires a person who has been unemployed for a year or more or who is an unskilled laborer. The tax credit would equal the difference between the federal minimum hourly wage and the State minimum hourly wage, multiplied by the number of hours worked by the person hired. The amendment proposed to make the credit applicable only for the first 12 months of the employment of the person hired and to become effective for tax years beginning on or after January 1, 2007. This amendment was not adopted.

House Amendment “D” to Committee Amendment “A” (H-916) proposed to delay the increase to \$6.75 per hour in the State minimum hourly wage until October 1, 2007 and proposed to eliminate the further increase provided in Committee Amendment “A.” This amendment was not adopted.

House Amendment “E” to Committee Amendment “A” (H-917) proposed to delay the increase to \$6.75 per hour in the State minimum hourly wage until October 1, 2007 and proposed to eliminate the further increase provided in Committee Amendment “A.” This amendment was not adopted.

House Amendment “H” to Committee Amendment “A” (H-968) proposed to require the Commissioner of Labor, starting October 1, 2008 and every October 1st thereafter, to adjust the State minimum hourly wage by any positive percentage change in the 12-month average of the National Consumer Price Index for All Urban Wage Earners and Clerical Workers for the previous year. This amendment was not adopted.

House Amendment “I” to Committee Amendment “A” (H-969) proposed to increase the State minimum hourly wage to \$7.25 and \$8.00 per hour effective October 1, 2006 and October 1, 2007, respectively, and proposed to require the Commissioner of Labor, starting October 1, 2008 and every October 1st thereafter, to adjust the State minimum hourly wage by any positive percentage change in the 12-month average of the National Consumer Price Index for All Urban Wage Earners and Clerical Workers for the previous year. This amendment was not adopted.

Senate Amendment “A” to Committee Amendment “A” (S-454) proposed to limit the proposed increases in the State minimum hourly wage to persons 18 years of age or older. This amendment was not adopted.

Senate Amendment “B” (S-482) proposed that, starting October 1, 2006, an employer with 25 or fewer employees may, under certain conditions, pay a student under 18 years of age hired on or after October 1, 2006 a minimum hourly wage of \$6.50 per hour for a period no longer than 90 days. This amendment was not adopted.

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Senate Amendment “B” to Committee Amendment “A” (S-459) proposed to increase the State minimum hourly wage to \$6.75 per hour starting October 1, 2007 and to \$7.00 per hour starting October 1, 2008. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 578 increases the State minimum hourly wage to \$6.75 per hour starting October 1, 2006 and to \$7.00 per hour starting October 1, 2007.

LD 350 **An Act To Provide Funding To Allow Veterans Who Received Certain Combat Medals To Purchase Subsidized Service Time towards Their Retirement** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> CAMPBELL NASS R	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-32
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LD 350 proposed to allow members of the Maine State Retirement System with at least 15 years of creditable service who served in the Armed Forces of the United States to purchase service credit for the time spent in the armed forces at a subsidized cost, whether or not the military time was during a federally recognized period of conflict or the member was awarded a campaign or expeditionary medal.

Committee Amendment “A” (H-32) proposed to replace the bill. The amendment proposed to appropriate funds to the Maine State Retirement System for the purposes of Public Law 2003, chapter 693, which enables veterans who received certain combat or expeditionary medals to purchase military service credit toward retirement at a subsidized rate.

LD 430 **An Act To Modify the Obligation To Bargain under the Municipal Public Employees Labor Relations Law** **ONTP**

<u>Sponsor(s)</u> NORTON EDMONDS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 430, a concept draft pursuant to Joint Rule 208, proposed to modify the obligations of public employers and their employees to bargain collectively, as is currently required under the Maine Revised Statutes, Title 26, section 965.

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LD 748

Resolve, Establishing the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers

RESOLVE 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM MAJ	S-432
DUPLESSIE	ONTP MIN	H-935 HUTTON

LD 748, a concept draft pursuant to Joint Rule 208, proposed to create parity between corrections officers and mental health workers regarding retirement benefits by adding direct-care mental health workers in the Department of Health and Human Services to the 1998 Special Plan. Under that plan, a worker qualifies for service retirement benefits if that worker either:

1. Is 55 years of age with 10 years of creditable service in a covered capacity; or
2. Has 25 years of creditable service.

In the latter case, the worker is eligible for a reduced benefit.

Committee Amendment “B” (S-432) proposed to replace the bill and make it a resolve. It proposed to establish the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;
2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and
3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it?

The membership of the commission would include representatives of corrections officers, mental health workers and their employers and 5 legislators. The amendment proposed to direct the commission to submit a report and to authorize the commission to introduce legislation related to its report to the First Regular Session of the 123rd Legislature. Finally, the amendment proposed to add an emergency preamble and an emergency clause in order to create an emergency measure that would take effect when approved.

House Amendment “A” to Committee Amendment “B” (H-935) proposed to remove the emergency preamble and the emergency clause, to advance by 15 days the deadline for making appointments to the Commission and to change the deadline for the Commission’s first meeting from July 15 to September 1, 2006.

Committee Amendment “A” (S-68) was adopted during the First Special Session of the 122nd Legislature before LD 748 and accompanying papers were committed to the Committee on Labor and carried over. Subsequently, this amendment was not adopted. The amendment proposed to replace the bill and make it a resolve. It proposed to establish the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;

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2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and
3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it?

The membership of the commission would include representatives of corrections officers, mental health workers and their employers and 5 legislators. The amendment proposed to direct the commission to submit a report and to authorize the commission to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature. Finally, the amendment proposed to add an emergency preamble and an emergency clause in order to create an emergency measure that would take effect when approved. This amendment was not adopted.

Senate Amendment “A” to Committee Amendment “A” (S-311) was adopted during the First Special Session of the 122nd Legislature before LD 748 and accompanying papers were committed to the Committee on Labor and carried over. Subsequently, this amendment was not adopted. The amendment proposed to change the name of the Commission to the “Commission To Study Retirement Eligibility and Benefits for Certain Law Enforcement Officers and Mental Health Workers” and to expand the duties of the Commission to include the study of whether law enforcement officers in the Office of the Attorney General and the Department of the Secretary of State should be included in the 1998 Special Plan. The amendment also proposed to increase the membership of the Commission to include representatives of the bargaining agents of law enforcement officers in the Office of the Attorney General and the Department of the Secretary of State, the Attorney General, the Secretary of State and 4 additional legislators. This amendment was not adopted.

Enacted law summary

Resolve 2005, chapter 181 establishes the Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;
2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and
3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it?

The membership of the commission includes representatives of corrections officers, mental health workers and their employers and 5 legislators. The commission is directed to submit a report and is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature.

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LD 758

An Act To Increase Retired Teachers' Health Insurance Benefits

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-410
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LD 758 proposed to increase the State's contribution for health insurance for retired educators from 40% to 100%, phased in over 3 years.

Committee Amendment "A" (H-410) proposed to phase in the increase to the State's contribution for health insurance for retired educators over 11 years and to add an appropriations and allocations section to the bill.

See also Public Law 2005, chapter 12, part X and Public Law 2005, chapter 457, part TT, which increase the state's contribution for health insurance for retired educators from 40% to 45% as of January 1, 2006.

LD 1021

An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters

PUBLIC 636

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM MAJ		H-1007
		OTP-AM MIN		S-660 MARTIN
		ONTP MIN		

LD 1021 proposed to implement the unanimous recommendations of the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters.

Part A proposed to create a state subsidy for the cost of retiree health insurance for municipal and county law enforcement officers and firefighters who retire from certain Maine State Retirement System retirement plans. To pay for the subsidy, the bill proposed to create a dedicated account funded from 2 sources: a 0.50% premium tax on certain types of property and casualty insurance policies, including homeowners insurance and commercial and personal car insurance, and a contribution of 1.5% of compensation from active municipal and county law enforcement officers and firefighters who participate in certain retirement plans and would be likely to be eligible for the subsidy upon retirement. Officers and firefighters would be eligible for the subsidy only if they have retired from a Maine State Retirement System retirement plan that provides for retirement after 25 years of service, with a benefit of at least 50% of average final compensation and a cost-of-living adjustment, or a better Maine State Retirement System retirement plan. The bill proposed to require the Department of Administrative and Financial Services to report on revenue and funding of the subsidy to the Legislature in 2011, and to require the Bureau of Insurance in the Department of Professional and Financial Regulation to submit a report to the Second Regular Session of the 122nd Legislature setting forth options for collecting contributions toward the cost of the retiree health insurance from businesses that do not purchase insurance for the types of property and casualty risks described in the bill.

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Part B proposed to allow state, county and municipal law enforcement officers and firefighters who change employers to purchase portability of their retirement benefits, if they are changing retirement plans and the plan to which they are moving does not provide portability. Portability would allow a person to count all or a portion of years of service from an earlier retirement plan when calculating a benefit or meeting the years-of-service requirement in a later retirement plan, and to count compensation from all years of service in determining average final compensation, one of the factors in calculating a retirement benefit. This provision would apply only to persons moving among the types of Maine State Retirement System retirement plans described above.

Committee Amendment “B” (H-1007), the majority report of the Joint Standing Committee on Labor, proposed to strike Part A of the bill and replace it with a new Part A that would allow retired county and municipal law enforcement officers and retired municipal firefighters who are enrolled in a county or municipal self-insurance health coverage plan to join the state group health plan under certain circumstances and would provide a state premium subsidy. Part A also proposed to create the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, which would provide for health insurance coverage when the retiree is eligible for a retirement benefit under certain conditions and participated in the county or municipal health plan while employed. The amendment also proposed a state subsidy, beginning July 1, 2007, equal to 45% of the cost of insurance premiums, or dollar equivalents, for each eligible retiree. Health insurance coverage under the program would not become effective until July 1, 2007 or the date of retirement, whichever occurs later. Eligible persons, including retirees, whose date of hire is on or before November 1, 2006, would have to enroll in the plan before January 1, 2007. Eligible persons whose date of hire is after November 1, 2006 would have to enroll in the plan no later than 60 days following the effective date of hire. Effective January 1, 2007, each county and municipal law enforcement officer and each municipal firefighter who participates as an active employee in a retirement plan and who has enrolled in the program would have to contribute 1.5% of gross wages to a fund to offset the costs of the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, would remain eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. The amendment also proposed to add an appropriations and allocations section to the bill.

Senate Amendment “G” to Committee Amendment “B” (S-660) proposed the following:

1. To exempt from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program;
2. To establish a minimum age of 50 years for participation in the program; and
3. To require a person to pay into the fund for at least 60 months before becoming eligible, upon retirement, to obtain a subsidy. A person who retires without making 60 months of contributions would be able to participate in the program by making a payment to the fund. The amount of the payment would be based on the person's age at the date of enrollment in the program, the person's average monthly final compensation and any payments made by the person to the fund prior to retirement. The percentage of average monthly final compensation payment would range from 2% for retirees who are at least 50 years of age to 1.5% for retirees who are at least 60 years of age. A retiree would be allowed to participate upon enrollment but would have to make the required payment within 12 months or be disenrolled.

Senate Amendment “A” to Committee Amendment “B” (S-607) proposed to strike Part A of the bill as amended by Committee Amendment “B” and replace it with a new Part A that creates the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, a self-funding

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program that would provide for health insurance coverage when the retiree is eligible for a retirement benefit under certain conditions and participated in the county or municipal health plan while employed. The amendment also proposed a premium subsidy, beginning January 1, 2012, not to exceed 45% of the cost of insurance premiums, or dollar equivalents, for each eligible retiree. The premium subsidy would be funded from employee contributions. Health insurance coverage under the program would not become effective until January 1, 2012 or the date of retirement, whichever occurs later. Persons whose date of initial hire is on or before November 1, 2006 would have to enroll in the plan before January 1, 2007. Persons whose date of initial hire is after November 1, 2006 would have to enroll in the plan no later than 60 days following the effective date of initial hire. Effective January 1, 2007, each county and municipal law enforcement officer and each municipal firefighter would have to contribute 2% of gross wages to a fund to pay for the costs of the program. An enrollee would have to make contributions to the fund for 60 months in order to be eligible for coverage under the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, would remain eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. This amendment was not adopted.

House Amendment “A” to Committee Amendment “B” (H-1028) proposed to strike Part A of the bill as amended by Committee Amendment “B” and replace it with a new Part A that creates the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, a self-funding program that would provide for health insurance coverage when the retiree is eligible for a retirement benefit under certain conditions and participated in the county or municipal health plan while employed. The amendment also proposed a premium subsidy, beginning January 1, 2012, not to exceed 45% of the cost of insurance premiums, or dollar equivalents, for each eligible retiree. The premium subsidy would be funded from employee contributions. Health insurance coverage under the program would not become effective until January 1, 2012 or the date of retirement, whichever occurs later. Persons whose date of initial hire is on or before November 1, 2006 would have to enroll in the plan before January 1, 2007. Persons whose date of initial hire is after November 1, 2006 would have to enroll in the plan no later than 60 days following the effective date of initial hire. Effective January 1, 2007, each county and municipal law enforcement officer and each municipal firefighter would have to contribute 2% of gross wages to a fund to pay for the costs of the program. An enrollee would have to make contributions to the fund for 60 months in order to be eligible for coverage under the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, would remain eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 636 allows retired county and municipal law enforcement officers and retired municipal firefighters who are enrolled in a county or municipal self-insurance health coverage plan to join the state group health plan under certain circumstances and provides a state premium subsidy. The law also creates the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, which provides for health insurance coverage when the retiree is at least 50 years of age, is eligible for a retirement benefit under certain conditions and participated in the county or municipal health plan while employed. The program provides for a state premium subsidy, beginning July 1, 2007, equal to 45% of the cost of insurance premiums, or dollar equivalents, for each eligible retiree. Health insurance coverage under the program is not effective until July 1, 2007 or the date of retirement, whichever occurs later. Eligible persons, including retirees, whose date of hire is on or before November 1, 2006 must enroll in the plan before January 1, 2007. Eligible

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persons whose date of hire is after November 1, 2006 must enroll in the plan no later than 60 days following the effective date of hire. Effective January 1, 2007, each county and municipal law enforcement officer and each municipal firefighter who participates as an active employee in a retirement plan and who has enrolled in the program must contribute 1.5 % of gross wages to a fund to offset the costs of the program. An enrollee must make contributions to the fund for 60 months, or pay a lump sum dollar equivalent that is computed based on the enrollee's age, in order to be eligible for coverage under the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, are eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. The law exempts from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. The law also includes an appropriations and allocations section. Finally, the law provides for the purchase of retirement benefit portability for coverages under the program by law enforcement officers and firefighters.

Immediately after being chaptered, Public Law 2005, chapter 636 was amended in LD 2055, an errors bill, to remove the exemption from the General Fund appropriation limitation.

LD 1050 **An Act To Promote Enforcement of Labor Laws Affecting** **ONTP**
Employers

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

LD 1050 proposed to require the Attorney General to investigate violations of the labor laws, including wage and hour violations and unemployment fraud, and prosecute violators. The bill proposed to specify that, if the Attorney General determines that an employer has violated a labor law, the Attorney General must investigate all the employees and subcontractors of that employer.

LD 1276 **An Act To Prohibit the Use of Foreign Labor Unless a Federal** **INDEF PP**
Prevailing Wage Is Set

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

LD 1276 proposed to prohibit the Department of Labor from certifying to the United States Department of Labor that no U.S. citizens are qualified for or willing to fill a job opening in a forestry occupation, for the purpose of allowing an employer to hire a foreign worker to fill that job opening under what is commonly known as an "H-2B visa," if the job would require the worker to use the worker's own equipment and if the U.S. Department of Labor's Division of Foreign Labor Certification has not established a prevailing wage for workers performing that job using the workers' own equipment. This amendment was not adopted.

Committee Amendment "C" (H-748) proposed to add a provision to prohibit an employer from making a false representation to a government entity in an application to hire a foreign worker through a procedure commonly

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known as an “H-2B visa,” or in any supporting documentation or statements. The amendment proposed to set fines for violations as follows: \$1,000 but not more than \$5,000 for a first violation; \$5,000 but not more than \$20,000 for a 2nd offense within 3 years; and \$10,000 but not more than \$50,000 for a 3rd or subsequent violation within 3 years of 2 or more prior violations. The amendment would grant enforcement authority to the Department of Labor, Bureau of Labor Standards and authority to adopt routine technical rules to carry out its purposes. The amendment also would make technical changes to account for the Maine Revised Statutes, Title 26, section 872, which was enacted by Public Law 2005, chapter 461. This amendment was not adopted.

Committee Amendment “B” (H-445) proposed to add a provision to prohibit an employer from making a false representation to a government entity in an application to hire a foreign worker through a procedure commonly known as an “H-2B visa,” or in any supporting documentation or statements. The amendment proposed to set fines for violations as follows: \$1,000 but not more than \$5,000 for a first violation; \$5,000 but not more than \$20,000 for a 2nd offense within 3 years; and \$10,000 but not more than \$50,000 for a 3rd or subsequent violation within 3 years of 2 or more prior violations. The amendment also proposed to grant enforcement authority to the Department of Labor, Bureau of Labor Standards and authority to adopt routine technical rules to carry out its purposes. This amendment was not adopted.

**LD 1346 An Act to Require Employers and Employees to Provide a DIED ON
2-Week Notice before Terminating Employment ADJOURNMENT**

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

LD 1346 proposed to require all employees to give 2 weeks' notice prior to quitting and employers, including the State and the Legislature, to give 2 weeks' notice prior to terminating an employee. The bill proposed that an employee who quits in violation of this requirement without reasonable cause would be subject to a forfeiture of one week's pay and that an employer who fails to provide 2 weeks' notice without reasonable cause would be required to provide the employee with 2 weeks' pay. Current law allows an employer and employee in a manufacturing or mechanical business to contract to give each other one week's notice of intention to quit or terminate employment.

Committee Amendment “A” (H-376), the majority report of the Joint Standing Committee on Labor, proposed to replace the bill. The amendment proposed to specify that a partisan legislative employee must be provided with at least a 2-week notice prior to being discharged, unless the termination is for reasonable cause. This amendment was not adopted.

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LD 1604 **An Act To Restructure the Unfunded Liability of the Maine State Retirement System** **ONTP**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1604, a concept draft pursuant to Joint Rule 208, proposed to refinance a portion of the Maine State Retirement System pension debt through the bond market.

LD 1628 **An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects** **INDEF PP**

<u>Sponsor(s)</u> PATRICK BRYANT B		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1628 proposed to require that a contractor or subcontractor entering into a contract for a public work on or after July 1, 2007 that is for \$10,000 or more provide documentation demonstrating that all employees working on that project have completed a construction safety training course, no shorter than 10 hours in duration, approved by the United States Occupational Safety and Health Administration. The bill also proposed to specify 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.

Committee Amendment “B” (H-732) proposed to:

1. Eliminate the penalties of removal of workers and cancellation of the contract;
2. Allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to deduct penalties assessed to contractors and subcontractors from contract payments for public works;
3. Afford contractors and subcontractors 30 days to correct a failure to provide the required training or, if the contractor or subcontractor does not have a certified trainer on staff, the longer of 30 days and until the date of the next available and appropriate training by the Department of Labor that occurs within a 2-hour drive of the work site;
4. Allow the Director of the Bureau of General Services to refuse to release plans and specifications to a contractor or subcontractor for the purpose of bidding on a future project if the contractor or subcontractor has violated the training requirements;
5. Increase the minimum size of contracts affected by the bill from \$10,000 to \$100,000; and
6. Add an appropriation section to the bill.

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This amendment was not adopted.

Committee Amendment “A” (H-491) proposed to:

1. Eliminate the penalties of removal of workers and cancellation of the contract;
2. Allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to deduct penalties assessed to contractors and subcontractors from contract payments for public works;
3. Afford contractors and subcontractors 30 days to correct a failure to provide the required training or, if the contractor or subcontractor does not have a certified trainer on staff, the longer of 30 days and until the date of the next available and appropriate training by the Department of Labor that occurs within a 2-hour drive of the work site; and
4. Allow the Director of General Services to refuse to release plans and specifications to a contractor or subcontractor for the purpose of bidding on a future project if the contractor or subcontractor has violated the training requirements.

This amendment was not adopted.

LD 1654 **An Act To Prevent the Loss of Jobs through Outsourcing** **ONTP**

<u>Sponsor(s)</u> ROTUNDO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1654, a concept draft pursuant to Joint Rule 208, proposed to enact a variety of measures that would serve to prevent or reduce the loss of jobs in the State through outsourcing.

LD 1699 **Resolve, To Direct the Department of Labor To Coordinate a Task Force To Examine and Study Issues Relating to Workplace Safety and Workplace Violence** **RESOLVE 167**

<u>Sponsor(s)</u> FISCHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-828
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LD 1699, a concept draft pursuant to Joint Rule 208, proposed to improve workplace safety and eliminate workplace violence by:

1. Requiring the Department of Labor to develop a policy on violence in the workplace;
2. Requiring the policy to be posted in all places of employment;
3. For employers with 15 or more employees, requiring education regarding the policy for new hires and managers;

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4. Requiring security systems with “panic buttons” for those businesses that are open other than during regular business hours; and
5. Creating a task force to improve workplace safety and reduce workplace violence. Members of the task force would include representatives from law enforcement, business, the Department of Labor, the Maine Human Rights Commission, the Society for Human Resource Management or a similar association of human resource managers and an advocate for victims of workplace violence.

Committee Amendment “A” (H-828) proposed to replace the bill and make it a resolve. It proposed to require the Department of Labor to coordinate a task force to conduct a study of issues relating to the workplace for the purpose of making recommendations for legislation to improve workplace safety and reduce workplace violence. The resolve would define the membership of the task force and would require it to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation.

Enacted law summary

Resolve 2005, chapter 167 requires the Department of Labor to coordinate a task force to conduct a study of issues relating to the workplace for the purpose of making recommendations for legislation to improve workplace safety and reduce workplace violence. The resolve defines the membership of the task force and requires it to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation.

LD 1715 **An Act To Amend the Laws Governing Employees of the Workers' Compensation Board** **PUBLIC 498**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-761

LD 1715 proposed to add the position of Deputy Director of Information Management and the salary range of the position to the list of salary ranges of deputy directors of the Workers' Compensation Board.

Committee Amendment “A” (H-761) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 498 adds the position of Deputy Director of Information Management and the salary range of the position to the list of salary ranges of deputy directors of the Workers' Compensation Board.

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LD 1719

**An Act To Establish the Administrative Operating Budget for the
Maine State Retirement System for the Fiscal Year Ending June
30, 2007**

**P & S 36
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-762

LD 1719 proposed to establish the annual administrative operating budget for the Maine State Retirement System for the fiscal year beginning July 1, 2006 and ending June 30, 2007. The budget would include total allocations of \$10,958,309, of which \$7,421,590 is attributed to the General Fund. It proposed to authorize a new expenditure of \$200,000 toward the cost of a complete line-of-business automated computer system that, among other uses and functions, will replace the current benefits payroll technology.

Committee Amendment “A” (H-762) proposed to incorporate a fiscal note.

Enacted law summary

Private and Special Law 2005, chapter 36 establishes the annual administrative operating budget for the Maine State Retirement System for the fiscal year beginning July 1, 2006 and ending June 30, 2007. The budget includes total allocations of \$10,958,309, of which \$7,421,590 is attributed to the General Fund. It authorizes a new expenditure of \$200,000 toward the cost of a complete line-of-business automated computer system that, among other uses and functions, will replace the current benefits payroll technology.

Private and Special Law 2005, chapter 36 was enacted as an emergency measure effective July 1, 2006.

LD 1747

An Act To Assist Maine Military Families

**PUBLIC 523
EMERGENCY**

Sponsor(s)
SCHNEIDER
FISHER

Committee Report
OTP-AM

Amendments Adopted
S-492

LD 1747, containing emergency clauses, proposed to require an employer with 50 or more employees to provide up to 15 days per year of leave to an employee who is the spouse or parent of a Maine resident called to military service. The bill proposed that the leave may be unpaid and would only be available during the time federal or state deployment orders are in effect. The deployment would have to last longer than 180 days in order for a spouse or parent employee to be eligible. The spouse or parent employee would have to provide notice to the employer and could take leave under the section only if all other accrued vacation, personal and compensatory leave had been exhausted. The bill would require an employer to make it possible for a spouse or parent employee to continue employee benefits during leave taken and would provide a cause of action for enforcement and equitable relief.

Committee Amendment “A” (S-492) proposed to strike language in the bill that included independent contractors in the definition of “employee.” It proposed to add domestic partners to the list of those who could take family military leave, to provide for leave on a deployment rather than calendar year basis and to change the

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time period during which the leave may be taken. The amendment also would strike the requirement that other leave be exhausted before family military leave could be taken.

Enacted law summary

Public Law 2005, chapter 523 requires an employer with 50 or more employees to provide leave to an employee who is the spouse, domestic partner or parent of a Maine resident deployed for military service. The leave may be unpaid and is available for up to 15 days immediately prior to or following each deployment. The deployment must last longer than 180 days in order for a spouse, domestic partner or parent employee to be eligible and the employee must provide notice to the employer of the intended date of leave. The law requires the employer to make it possible for a spouse, domestic partner or parent employee to continue employee benefits during leave taken and also provides a cause of action for enforcement and equitable relief.

Public Law 2005, chapter 523 was enacted as an emergency measure effective April 3, 2006.

LD 1758	An Act To Require the Maine State Retirement System To Divest Itself of Holdings in Those Businesses or Corporations Doing Business in the Nation of Sudan and To Repeal Requirements Relating to Shareholder Initiatives by State Officials on State Investments in Northern Ireland	PUBLIC 537
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<u>Sponsor(s)</u> STRIMLING	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-493
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LD 1758 proposed to require the Trustees of the Maine State Retirement System to review the extent to which assets of state pension and annuity funds are invested in the nation of Sudan and to divest itself of any such holdings. The bill would prohibit the Trustees from investing any assets in Sudan and cites extreme human rights abuses in that country.

Committee Amendment “A” (S-493) proposed to clarify that the divestment requirement and the investment prohibition apply to all companies doing business in or with the nation of Sudan or its instrumentalities. It proposed to add language allowing the Board of Trustees to divest in accordance with sound investment criteria and consistent with the Board’s fiduciary obligations, and requiring divestment to be complete by January 1, 2008. It would provide an exemption for short-term investment funds which commingle commercial paper or futures, and for other commingled investment or index funds. The amendment proposed to require the Board to report annually to the Legislature on the progress of divestment and the implementation of the statutory section, and would provide for the sunset of the section on July 1, 2009. The amendment also would repeal 5 MRSA §1955, relating to stockholder initiatives by State officials on State investments in Northern Ireland.

Enacted law summary

Public Law 2005, chapter 537 requires the Board of Trustees of the Maine State Retirement System to review the extent to which assets of state pension and annuity funds are invested in companies doing business in or with the nation of Sudan or its instrumentalities and to divest itself of any such holdings. The law also prohibits the Board of Trustees from investing any assets in Sudan or such companies and cites extreme human rights abuses in that country. The law allows the Board to divest in accordance with sound investment criteria and consistent with its

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fiduciary obligations, and requires divestment to be complete by January 1, 2008. It provides an exemption for short-term investment funds that commingle commercial paper or futures and for other commingled investment or index funds. The law requires the board to report annually to the Legislature on the progress of divestment and the implementation of the statutory section and provides for the repeal of the section on July 1, 2009. It also repeals statutory provisions relating to shareholder initiatives by state officials on state investments in Northern Ireland.

LD 1794 **An Act To Improve the Maine Enterprise Option Program** **ONTP**

<u>Sponsor(s)</u> BARTLETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1794 proposed to amend the Maine Enterprise Option program to allow an individual to receive per diem compensation for work related to establishing a business and performance of self-employment assistance activities without incurring a reduction in the self-employment assistance allowance.

LD 1806 **An Act To Clarify Maine State Retirement System Benefits for Certain Legislators** **PUBLIC 516**

<u>Sponsor(s)</u> NORTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-824
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LD 1806 proposed to clarify that a public school teacher, or an employee of the Maine Community College System, on leave of absence to serve in the Legislature, would be eligible to become a benefit recipient from the Maine State Retirement System (MSRS) upon the termination of the teaching position, and leave of absence, even if the individual continues to serve as a legislator. The bill proposed to clarify that a legislator in such circumstances becomes a member of the Maine Legislative Retirement System.

Committee Amendment “A” (H-824) proposed to clarify language in order to accomplish the purpose of the bill that a public school teacher, or an employee of the Maine Community College System, on leave of absence to serve in the Legislature, would be eligible to become a benefit recipient from the Maine State Retirement System (MSRS) upon the termination of the teaching position, and leave of absence, even if the individual continues to serve as a legislator.

Enacted law summary

Public Law 2005, chapter 516 clarifies that a public school teacher or an employee of the Maine Community College System, on leave of absence to serve in the Legislature, is eligible to become a benefit recipient of the Maine State Retirement System upon the termination of the teaching position, and leave of absence, even if the individual continues to serve as a legislator. A legislator in such circumstances becomes a member of the Maine Legislative Retirement System.

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LD 1847

Resolve, To Require the Department of Labor, in Consultation with Interested Parties, To Examine the Laws and Practices Regarding the Definition of “Employment” for Purposes of Unemployment Compensation

RESOLVE 191

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-937
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LD 1847 proposed to alter the test (known as the “ABC” test) used to determine whether services performed by an individual for remuneration are deemed to be employment for purposes of the chapter of the statutes governing unemployment compensation. Current law provides that services performed are employment unless and until all three of the prongs of the test are met. The bill proposed to retain the requirement that the first prong be met – that the individual has been and will continue to be free from control or direction over the performance of the services, both under the individual’s contract of service and in fact. The bill then proposed to take the remaining two prongs and, in effect, convert them into three options such that if any one of them is met (together with the first prong) then the services performed would not be deemed to be employment. The three options are:

1. The service is outside the usual course of the business for which that service is performed; or
2. The service is performed outside of all the places of business of the enterprise for which that service is performed; or
3. The individual is customarily engaged in an independently established trade, occupation, profession or business.

Committee Amendment “B” (H-937) proposed to strike the bill and replace it with a resolve. The Resolve would require the Department of Labor to conduct a study of the laws and practices regarding the definition of employment for purposes of unemployment compensation. The bill proposed to require the department to call upon interested parties in conducting its study, and to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation. This amendment was not adopted.

Committee Amendment “A” (H-839), the majority report of the Joint Standing Committee on Labor, proposed to strike the bill and replace it with a resolve. The Resolve would require the Department of Labor to conduct a study of the laws and practices regarding the definition of employment for purposes of unemployment compensation. The bill proposed to require the department to call upon interested parties in conducting its study, and to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation. This amendment was not adopted.

Enacted law summary

Resolve 2005, chapter 191 requires the Department of Labor to conduct a study of the laws and practices regarding the definition of “employment” for purposes of unemployment compensation. The department must call upon interested parties in conducting its study and submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation.

Joint Standing Committee on Labor

LD 1850

**An Act To Clarify the Change of Beneficiary Provision in the
Maine State Retirement System Laws**

PUBLIC 560

Sponsor(s)
MILLETT

Committee Report
OTP-AM

Amendments Adopted
H-921

LD 1850 proposed to allow a recipient of a reduced retirement benefit, who is granted a divorce either after retirement or before a retirement beneficiary is named, to elect a different beneficiary without obtaining the agreement of the spouse or former spouse who was originally named as the retirement beneficiary, provided the court-ordered disposition of property specifies that the recipient's service retirement benefit is set apart as the sole and exclusive property of the recipient.

Committee Amendment "A" (H-921) proposed to strike the bill and add language to clarify that the terms of qualified domestic relations orders must be followed in implementing the laws governing the Maine State Retirement System. The amendment proposed to specify that the rights of a beneficiary or other payee under the laws governing the Maine State Retirement System are subject to the terms of a qualified domestic relations order and that a qualified domestic relations order is presumed to be in compliance with all applicable requirements. The amendment would direct the Maine State Retirement System to give effect to the plain meaning of the terms of such an order despite any failure of the order to cite or reference statutory or rule provisions. The amendment proposed to make these changes retroactive to January 1, 1985. The amendment also proposed to make the limitations on the ability of a retiree under the Maine State Retirement System to change the beneficiary of that person in the case of a divorce apply only when the former spouse is named as retirement beneficiary at the time the divorce is granted.

Enacted law summary

Public Law 2005, chapter 560 specifies that the rights of a beneficiary or other payee under the laws governing the Maine State Retirement System are subject to the terms of a qualified domestic relations order, in order to clarify that the terms of qualified domestic relations orders must be followed in implementing the laws governing the Maine State Retirement System. The law also provides that a qualified domestic relations order is presumed to be in compliance with all applicable requirements and directs the Maine State Retirement System to give effect to the plain meaning of the terms of such an order despite any failure of the order to cite or reference statutory or rule provisions. These provisions are retroactive to January 1, 1985. The law also makes the limitations on the ability of a retiree under the Maine State Retirement System to change the beneficiary of that person in the case of a divorce apply only when the former spouse is named as retirement beneficiary at the time the divorce is granted.

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LD 1898

An Act To Protect the Employment Rights of Military Reserve and National Guard Personnel

PUBLIC 524

<u>Sponsor(s)</u> BRYANT M BRYANT B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-823
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LD 1898 proposed to provide for time off from work for a member of the National Guard or the Reserves returning from a period of military training or service that is less than 31 days. The bill proposed that in such circumstances a return to work is not mandated until the first full calendar day following the expiration of 72 hours after a period allowing for safe travel from the place of service to the member's residence. The bill also would provide for attorney's fees in any civil action for noncompliance.

Committee Amendment "A" (H-823) proposed to strike the bill and to prohibit an employer from requiring that a military member report back to work before the expiration of various periods of time depending on the length of the military member's service, following the completion of service and time for safe transportation home.

Enacted law summary

Public Law 2005, chapter 524 prohibits an employer from requiring that a military member report back to work before the expiration of a certain period of time, based on the length of the military member's service, following the completion of service and time for safe transportation home.

LD 1910

An Act To Create Employment Opportunities for People with Disabilities

PUBLIC 570

<u>Sponsor(s)</u> LERMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-938
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LD 1910 proposed the following:

1. To provide a nonrefundable state income tax credit to an employer for wages paid to employees with disabilities. The credit would be up to \$3000 per employee during the first year of employment and up to \$1,800 per employee during the second year of employment.
2. To provide a refundable 25% state earned income tax credit to a taxpayer with a disability.
3. To create a new Part 29 in Title 5, entitled "Employment of Individuals with Disabilities," and to require each state agency to review periodically the adequacy of hiring and advancement practices in the agency with respect to individuals with disabilities, to develop a plan by January 1, 2007 for increasing the opportunities for individuals with disabilities to be employed by the agency, to encourage the employment of individuals with disabilities in its outside contracts, to expand its outreach efforts to make individuals with disabilities aware of available employment opportunities at the agency and to increase its efforts to accommodate individuals with disabilities.

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4. To direct the Department of Health and Human Services to amend its rules to provide greater flexibility for individuals with intellectual disabilities to receive day habilitation services and supportive employment services. The bill would provide that such rules are major substantive rules.
5. To direct the Department of Economic And Community Development and the Department of Labor to initiate jointly a media campaign designed to increase statewide awareness of issues affecting individuals with disabilities.

Committee Amendment “A” (H-938) proposed to direct the Department of Administrative and Financial Services, Bureau of Human Resources to reinstate, based on the availability of financial resources, the activities and functions previously associated with the position of Disability Employment Services Coordinator in order to provide oversight and facilitation of duties relative to the employment of workers with disabilities in state agencies. The amendment also would require the Department of Health and Human Services and the Department of Labor to produce a report, in consultation with several disabilities services agencies and interested parties, regarding employment opportunities for individuals with developmental disabilities. Finally, the amendment proposed to strike language requiring the development of a media campaign and replace it with a requirement that the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, submit a report with recommendations regarding the funding and implementation of a media campaign and an employer outreach campaign.

Enacted law summary

Public Law 2005, chapter 570 creates a new Part 29 entitled “Employment of Individuals with Disabilities” in Title 5 of the Maine Revised Statutes and requires each state agency to:

1. Review periodically the adequacy of hiring and advancement practices in the agency with respect to individuals with disabilities;
2. Develop a plan by January 1, 2007 for increasing the opportunities for individuals with disabilities to be employed by the agency;
3. Encourage the employment of individuals with disabilities in its outside contracts;
4. Expand its outreach efforts to make individuals with disabilities aware of available employment opportunities at the agency; and
5. Increase its efforts to accommodate individuals with disabilities.

The law directs the Department of Administrative and Financial Services, Bureau of Human Resources to reinstate, based on the availability of financial resources, the activities and functions previously associated with the position of Disability Employment Services Coordinator in order to provide oversight and facilitation of duties relative to the employment of workers with disabilities in state agencies. The law also requires the Department of Health and Human Services and the Department of Labor to produce a report, in consultation with several disabilities services agencies and interested parties, regarding employment opportunities for individuals with developmental disabilities. Finally, the law directs the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, to submit a report with recommendations regarding the funding and implementation of a media campaign designed to increase statewide awareness of employment-related issues

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affecting individuals with disabilities and an employer outreach campaign designed to engage employers in discussions and information exchange about issues, services and support systems related to the employment of individuals with disabilities.

LD 1921 **An Act To Enable Local Adult Education Programs To Play a Greater Role in Helping Dislocated Workers** **ONTP**

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

LD 1921, a concept draft pursuant to Joint Rule 208, proposed to require the Department of Labor to include representatives of local adult education programs in planning and executing initiatives to assist dislocated workers in a community.

LD 1924 **An Act To Protect Workers from Political or Religious Intimidation** **ONTP**

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

LD 1924 proposed that an employer may not, directly or indirectly, appoint, demote, suspend, lay off, discharge, or in any manner change the official rank or compensation of an employee, or promise or threaten to take any such action, or harass, discipline, or coerce an employee because the employee gives support to or refuses to give support to any view or position on a religious or political matter, attends or refuses to attend an employer-sponsored meeting, the primary purpose of which is to communicate the employer's opinion about a religious or political matter, or participates in or refuses to participate in any communication, the primary purpose of which is to communicate the employer's opinion about a religious or political matter. The bill would prohibit an employer from retaliating against an employee for reporting violations in good faith. It would provide an exception when religious or political beliefs or communications are a bona fide part of the employee's job responsibilities. Finally, the bill proposed to create a civil violation and provide remedies to aggrieved employees, including treble damages and reasonable attorney's fees and costs.

Committee Amendment "A" (S-582), the minority report of the Joint Standing Committee on Labor, proposed to remove a reference to joining lawful social or community organizations as part of the bill's definition of a political matter. The amendment also proposed to remove the prohibition on employment actions based on religious views. It would delete subsections providing for a violation and enforcement and substitutes for them a subsection authorizing employee complaints to the Maine Human Rights Commission for violations of the section. Finally the amendment proposed to clarify that an employer may restrict political speech in the workplace during work hours and that the bill is not intended to infringe on rights under the National Labor Relations Act. This amendment was not adopted.

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LD 2023 **An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Definition of a Liveable Wage** **ONTP**

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

LD 2023, a recommendation of the Study Commission Regarding Liveable Wages, proposed that the Department of Labor annually calculate the liveable wage for various household sizes using the methodology of the Maine Center for Economic Policy and report the liveable wage calculations to the Legislature. The bill also would define “liveable wage.”

Committee Amendment “A” (H-939), the majority report of the Joint Standing Committee on Labor, proposed to require the Department of Labor to report liveable wages calculations to the joint standing committee of the Legislature having jurisdiction over labor matters. The amendment also would add an appropriations and allocations section. This amendment was not adopted.

LD 2032 **Resolve, To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Plans To Increase Wages to Maine Workers** **ONTP**

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

LD 2032, a resolve recommended by the Study Commission Regarding Liveable Wages, proposed that the Department of Labor, in consultation with the Department of Health and Human Services and the Department of Education, develop plans to increase wages to workers in Maine. It also would require the Department of Labor to submit annual progress reports on the plans to the joint standing committee of the Legislature having jurisdiction over labor matters.

Committee Amendment “A” (H-987), the majority report of the Joint Standing Committee on Labor, proposed to add the Department of Administrative and Financial Services, Bureau of Employee Relations to the list of state offices with whom the Department of Labor is required to consult in developing plans to increase wages. The amendment also would add an appropriations and allocations section. This amendment was not adopted.

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LD 2068

An Act Regarding the Maine Insurance Guaranty Association

PUBLIC 603

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W STRIMLING	OTP-AM MAJ ONTP MIN	H-941 S-584 STRIMLING

LD 2068 proposed to make the Maine Insurance Guaranty Association subject to audit, enforcement and monitoring by the Workers' Compensation Board with respect to workers' compensation claims. Under the bill the association would be liable for the payment of any compensation, interest, penalty or other obligation determined to be due by the Workers' Compensation Board. The bill proposed to include interest and penalties in the claims the association is obligated to pay and proposed to add the association to those entities for which the Workers' Compensation Board has auditing and enforcement responsibility. LD 2068 also would require audits of the association to consider when the association obtained the records of an insolvent insurer. Finally, the bill proposed to make the association subject to penalties not to exceed \$10,000 upon a finding by the board that the association has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably-contested claims.

Committee Amendment "A" (H-941), the majority report of the Joint Standing Committee on Labor, proposed to clarify that the Maine Insurance Guaranty Association may not be assessed penalties for the acts or omissions of insolvent insurers.

Senate Amendment "A" to Committee Amendment "A" (S-584) proposed to strike the language that would allow the Workers' Compensation Board to assess civil penalties not to exceed \$10,000 on the Maine Insurance Guaranty Association for engaging in a pattern of questionable claims-handling techniques or repeated unreasonably-contested claims.

House Amendment "A" to Committee Amendment "A" (H-972) proposed to strike the language that would allow the Workers' Compensation Board to assess civil penalties not to exceed \$10,000 on the Maine Insurance Guaranty Association for engaging in a pattern of questionable claims-handling techniques or repeated unreasonably-contested claims. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 603 makes the Maine Insurance Guaranty Association subject to audit, enforcement and monitoring by the Workers' Compensation Board with respect to workers' compensation claims. The Association is liable for the payment of any compensation, interest, penalty or other obligation determined to be due by the Workers' Compensation Board. The law also includes interest and penalties in the claims the Association is obligated to pay and adds the Association to those entities for which the Workers' Compensation Board has auditing and enforcement responsibility. Finally, the law requires that the audits of the Association consider when the Association obtained the records of an insolvent insurer.

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LD 2086

An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services

PUBLIC 668

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL HANLEY S	OTP-AM	S-583

LD 2086 proposed that a member of the Maine State Retirement System whose previous membership was based upon employment as a public safety 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 communications dispatcher 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-583) proposed to clarify that a member of the Maine State Retirement System under the provisions of the bill may make an election to include previous creditable service with current service as long as the member has accumulated contributions, even though contributions may have been withdrawn by that member in the past.

Enacted law summary

Public Law 2005, chapter 668 provides that a member of the Maine State Retirement System whose previous membership was based upon employment as a public safety 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 communications dispatcher for the department may elect to include that previously earned creditable service with service earned as a state employee under certain conditions.

LD 2092

An Act To Allow A Second Opportunity for Retired Teachers To Elect To Rejoin the Teacher Group Accident and Sickness and Health Insurance Plan

PUBLIC 666

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON MARTIN	OTP-AM	H-986 S-690 ROTUNDO

LD 2092 proposed that a person, whose previous employment service terminated due to the elimination of the person's position as a result of the closure of a school where the person was employed, may make one additional election to rejoin the state employee group health insurance plan, which election may be exercised at any time after the person's retirement.

Committee Amendment "A" (H-986) proposed to move the bill language to the statutory chapter that governs retired teachers' health insurance and to clarify that the 2nd election opportunity is provided only to teachers and is to rejoin the Teacher Group Accident and Sickness and Health Insurance Plan.

Senate Amendment "A" to Committee Amendment "A" (S-690) proposed to limit the 2nd election opportunity to teachers in School Administrative District Number 10 only.

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Enacted law summary

Public Law 2005, chapter 666 provides that a teacher, whose previous service terminated due to the elimination of the teacher's position as a result of the closure of a school in School Administrative District Number 10 where the teacher was employed, may make one additional election to rejoin the Teacher Group Accident and Sickness and Health Insurance Plan, which election may be exercised at any time after the teacher's retirement.

LD 2098 **An Act Authorizing Participation in the State Group Health Plan for Retiring Legislators** **ONTP**

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

LD 2098 proposed that any Legislator who reaches normal retirement age and retires from the Legislature may be covered under the state group health plan regardless of whether or not the Legislator participated in a retirement system administered by the Board of Trustees of the Maine State Retirement System. The bill proposed to require the retroactive pro rata payment of the amount of contributions the Legislator would have made if covered under the plan

Committee Amendment "A" (H-1039), the minority report of the Joint Standing Committee on Labor, proposed that the new health coverage benefit be available only to those Legislators elected after July 1, 2006.

This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-1082) proposed to add an additional provision intended to ensure that a person is not required for financial reasons to choose between serving in the Legislature and receiving in full a disability annuity or payment to which the person is entitled. Under the amendment, a Legislator would file a written notice waiving compensation and expenses to which that Legislator is entitled in order to eliminate the consideration, application or use of those funds to reduce a federal or state disability annuity or payment. This amendment was not adopted.

LD 2109 **Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor** **RESOLVE 205 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1040

LD 2109, a resolve, proposed the legislative review and authorization of portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a major substantive rule of the Department of Labor.

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Committee Amendment “A” (H-1040), proposed to authorize the Department of Labor to finally adopt portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a provisionally adopted major substantive rule submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, as long as certain changes are made relating to the definition of “logging equipment” and to statutory cross references. The amendment proposed to require changes to clarify that “logging equipment” means harvesting equipment employed in certain uses and that the only transport equipment that meets the definition of “logging equipment” is equipment that may be used on-site to transport logs to roadside. The amendment also would require changes to remove language describing violations and specifying fines and classes of crimes and to replace it with statutory cross-references to the relevant civil and criminal violation provisions. Finally, the amendment would require changes to correct a typographical omission by inserting the word “proof” in section IV(B) of the rule and to remove section IV(B)(1) from the rule.

Enacted law summary

Resolve 2005, chapter 205 authorizes the Department of Labor to finally adopt portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a provisionally adopted major substantive rule submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, as long as certain changes are made relating to the definition of “logging equipment” and to statutory cross references. The law requires changes to clarify that “logging equipment” means harvesting equipment employed in certain uses and that the only transport equipment that meets the definition of “logging equipment” is equipment that may be used on-site to transport logs to roadside. The law also requires changes to remove language describing violations and specifying fines and classes of crimes and to replace it with statutory cross-references to the relevant civil and criminal violation provisions. Finally, the law requires changes to correct a typographical omission by inserting the word “proof” in section IV(B) of the rule and to remove section IV(B)(1) from the rule.

Resolve 2005, chapter 205 was passed as an emergency measure effective May 2, 2006.