

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1997

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Maine State Legislature

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON CATHCART	OTP-AM MAJ ONTP MIN	H-677

LD 1578 proposed to have the Commissioner of Labor regulate work standards for “workfare” participants, that is, individuals who are required to work as a condition for receiving public assistance. The bill would have required the Commissioner to adopt rules and recommend any necessary legislation to ensure that workfare participants and employees in workplaces in which participants work are treated fairly and receive labor and employment standards protection. The rules would be required to address issues of wages, workers' compensation, health and safety, discrimination, displacement grievance procedures and attainment of employee status. The bill also proposed to require the commissioner to report on these matters to the Joint Standing Committee on Labor.

Committee Amendment "A" (H-677) proposed to replace the bill with more limited labor standards governing the use of workfare participants. The amendment proposed to prohibit the use of workfare participants to fill vacant positions when there is a labor dispute or in a manner that violates existing collective bargaining disputes or infringes upon promotional opportunities for employees. The amendment proposed that employers must provide access to a grievance procedure for participants and employees to resolve issues regarding displacement of employees. The amendment would have required the Department of Human Services and the Department of Labor to report to the Joint Standing Committee on Labor by February 1, 1998 on efforts at the federal level to develop standards for workfare participants. The amendment also would authorized the Joint Standing Committee on Labor to report out legislation on labor standards for workfare participants during the Second Regular Session of the 118th Legislature.

Enacted law summary

Public Law 1997, chapter 443 establishes limited labor standards governing the use of “workfare” participants, that is, individuals who are required to work as a condition for receiving public assistance. Employers are prohibited from using workfare participants to fill vacant positions when there is a labor dispute or in a manner that violates existing collective bargaining disputes or infringes upon promotional opportunities for employees. Employers must also provide access to a grievance procedure for workfare participants and employees to resolve issues regarding displacement of employees. The Department of Human Services and the Department of Labor are required to report to the Joint Standing Committee on Labor by February 1, 1998 on efforts at the federal level to develop standards for workfare participants. The Joint Standing Committee on Labor is authorized to report out legislation on labor standards for workfare participants during the Second Regular Session of the 118th Legislature.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM W	OTP-AM	H-618

LD 1590 proposed to permit state fire marshals, state fire marshal investigators and state fire marshal inspectors with 25 years creditable service to retire at the age of 55 without a reduction in benefits.

Committee Amendment "A" (H-618) replaced the bill and proposed retirement options for fire marshals and motor vehicle investigators similar to the options enacted in recent years for game wardens, marine resource officers, forest rangers and Baxter State Park Authority rangers. The amendment permitted fire marshals and motor vehicle investigators who are currently or in the future employed in those positions to participate in either the regular retirement plan for state employees and teachers or an optional retirement plan that permits retirement with full benefits at age 55 after at least 25 years of service. Participation in the optional plan was to be a one-time, irrevocable option that must be exercised within 90 days of hire by newly hired employees or by January 1, 1998 by current employees. Employees in the affected categories who do not elect to participate in the optional plan would be covered by the regular retirement plan. Each employee who elected the optional retirement plan would have had to pay to the Maine State Retirement System the full actuarial and administrative costs of retiring under the plan, including interest on back amounts due for current employees. Additionally, employees in either of the two categories would have the option to retire after at least 25 years of service and before attaining 55 years of age with the same reduction in benefits provided for other state employees and teachers who retire before normal retirement age.

Enacted law summary

Public Law 1997, chapter 401 permits fire marshals and motor vehicle investigators who are currently or in the future employed in those positions to participate in either the regular retirement plan for state employees and teachers or an optional retirement plan that permits retirement with full benefits at age 55 after at least 25 years of service. Participation in the optional plan is a one-time, irrevocable option that must be exercised within 90 days of hire by newly hired employees or by January 1, 1998 by current employees. Employees in the affected categories who do not elect to participate in the optional plan are covered by the regular retirement plan. Each employee who elects the optional retirement plan must pay to the Maine State Retirement System the full actuarial and administrative costs of retiring under the plan, including interest on back amounts due for current employees. Additionally, employees in either of the two categories have the option to retire after at least 25 years of service and before attaining 55 years of age with the same reduction in benefits provided for other state employees and teachers who retire before normal retirement age.

LD 1606

An Act to Amend the Laws Governing Severance Pay Obligations

ONTP

Sponsor(s)
LEMKE

Committee Report
ONTP

Amendments Adopted

LD 1606 proposed to extend the severance pay laws to include employers that employ at least 100 persons in total rather than just those that employ 100 at the facility that is being closed or relocated. This bill also proposed to change the time that an employer has employed 100 persons from the preceding 12-month period to a 24-month period.