

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR

MAY 1998

**MEMBERS:**

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*Sen. Sharon Anglin Treat*  
*Sen. S. Peter Mills*

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

**Summary Of Legislation Before The Joint Standing Committees  
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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](http://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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 1955

**An Act to Amend the Health Insurance Benefits of State Employees and Teachers Who Retire or Terminate Service**

**PUBLIC 652**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART HATCH	OTP-AM MAJ ONTP MIN	S-623

LD 1955 proposed to restore the normal retirement age for state employees and teachers in the Maine State Retirement System to 60 years of age.

**Committee Amendment "A" (S-623)** was used as a vehicle for one piece of committee’s package of retirement changes. This amendment proposed to replace the bill and eliminate the requirement that in all cases state employees and teachers must be enrolled for at least one year immediately before retirement in order to qualify for continued participation in group health insurance coverage after retirement. The amendment proposed to provide a one-time option for state employees and teachers with 25 years of service who terminate employment but do not retire at that time to continue participation in their group health insurance plan until retirement if they pay the cost of that coverage. Regardless of whether that option is exercised, under the amendment, a state employee or teacher with 25 years of service who retires following a break in employment would be able to choose to rejoin the group health insurance plan at retirement.

*Enacted law summary*

Public Law 1997, chapter 652 provides an option for state employees and teachers with 25 years of service who terminate covered employment but do not retire at that time to continue participation in the state or teacher group health plan if they pay the cost of that coverage. Regardless of whether that option is exercised, state employees or teachers with 25 years of creditable service who retire following a break in service may choose to rejoin their group health plan at retirement.

**LD 1956**

**An Act to Extend the Prevailing Wage Laws to the Maine Turnpike Authority**

**PUBLIC 743**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM MAJ ONTP MIN	S-463

LD 1956 proposed to require that all workers engaged in construction projects for the Maine Turnpike Authority be paid no less than the prevailing wage, which is determined by the hourly wage paid to the median number of workers employed in the construction industry on the second and third weeks in September of each year.

**Committee Amendment "A" (S-463)** was the majority report of the Joint Standing Committee on Labor. It proposed to reorder the reference to the Maine Turnpike Authority and to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 743 requires all workers engaged in construction projects for the Maine Turnpike Authority to be paid no less than the prevailing wage, which is determined by the hourly wage paid to the median number of workers employed in the construction industry on the second and third weeks in September of each year.

**LD 1962**                      **An Act to Apply ERISA Standards to Pension Benefits for Teachers and State Employees to Clarify that They Are Nonforfeitable Once Accrued**                      **ONTP**

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

LD 1962 proposed to prohibit the reduction of benefits under the Maine State Retirement System once an employee has accrued the minimum creditable service requirements for receipt of retirement benefits.

**Committee Amendment "A" (S-611)** which was not adopted, replaced and clarified the intent of the bill. The amendment proposed to establish in statute that the retirement benefits of state employees, teachers and judges under the Maine State Retirement System represent a solemn contractual commitment of the State the value of which may not be reduced once those benefits are earned. This amendment was intended to specifically supplant, with respect to the accrued retirement benefits of retirement system members, the holding of the United States Court of Appeals for the First Circuit in *Parker v. Wakelin et al.*, (CA 1, No. 96-2225, 8/11/97). In that case, the court held that Maine public pension law creates no enforceable private contractual right against the modification of teacher members' retirement benefits until those benefits are actually receivable. Under this amendment, public employee retirement benefits, once earned, may not be reduced because the accrued value of those benefits is protected under the contract clauses of the Constitution of Maine and the United States Constitution. See also LD 999, which proposed constitutional protection for public pension benefits.

**LD 1964**                      **Resolve, to Ensure that Services for the Deaf and Hard of Hearing Are Provided in an Efficient, Accessible and Cost-effective Manner**                      **RESOLVE 90 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	S-460

LD 1964 proposed to direct the Commissioner of Labor to assess the mission and services of the Division of Deafness within the Bureau of Rehabilitation Services, Department of Labor. The resolve also proposed to require the Commissioner, in consultation with a subcommittee comprised of the Joint Standing Committee on Labor, the Deaf Advisory Council and other interested parties, to make recommendations by September 15, 1998, regarding any proposed structural, statutory or funding changes. The resolve proposed to authorize the Joint Standing Committee on Labor to report out implementing legislation to the First Regular Session of the 119th Legislature.

**Committee Amendment "A" (S-460)** proposed to eliminate the formation of an official subcommittee and to add the Governor Baxter School for the Deaf and all affected agencies, including the Department of Corrections, the Department of Education, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Public Safety, the Department of Transportation, the