

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:

Sen. Mary R. Cathcart, Chair

Sen. Sharon Anglin Treat

Sen. S. Peter Mills

Rep. Pamela H. Hatch, Chair

Rep. Roland B. Samson

Rep. Brian Bolduc

Rep. Joseph E. Clark

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Rep. Robert E. Pendleton, Jr.

Rep. Russell P. Treadwell

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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).

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.

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

Maine Emergency Management Agency, the Maine Turnpike Authority and the Public Utilities Commission, to the list of entities with which the Commissioner of Labor must consult when making recommendations regarding the Division of Deafness. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 1997, chapter 90 directs 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 requires the Commissioner, in consultation with the Joint Standing Committee on Labor, the Deaf Advisory Council, the Governor Baxter School for the Deaf, 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 Maine Emergency Management Agency, the Maine Turnpike Authority and the Public Utilities Commission, and other interested parties, to make recommendations by September 15, 1998, regarding any proposed structural, statutory or funding changes. The resolve also authorizes the Joint Standing Committee on Labor to report out implementing legislation to the First Regular Session of the 119th Legislature. Resolve 1997, chapter 90 was passed as an emergency measure effective March 12, 1998.

LD 1977 An Act to Revise the Hazardous Occupations Provisions of the PUBLIC 597
Child Labor Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM	H-813

LD 1977 proposed to strike the current list of occupations considered hazardous to minors and to require the Director of the Bureau of Labor Standards to develop, by rule, a list of occupations not suitable for minors. The bill also proposed to prohibit minors under 18 years of age from working in the occupations specified by the Director. The bill proposed to make the rules routine technical and to require them to conform as far as practicable to the child labor provisions enforced by the United States Department of Labor.

Committee Amendment "A" (H-813) proposed to require the Director of the Bureau of Labor Standards to brief the joint standing committee of the Legislature having jurisdiction over labor matters on the proposed rules regarding hazardous occupations for minors, prior to adopting the rules. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 597 strikes the current list of occupations considered hazardous to minors and requires the Director of the Bureau of Labor Standards to develop, by rule, a list of occupations not suitable for minors. It prohibits minors under 18 years of age from working in the occupations specified by the Director. The law states that the rules are routine technical and requires the rules to conform as far as practicable to the child labor provisions enforced by the United States Department of Labor. The law also requires the Director to brief the joint standing committee of the Legislature having jurisdiction over labor matters on the proposed rules prior to their adoption.