

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
Rep. Benjamin L. Rines, Jr.
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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.

LD 2121

An Act to Repeal Certain Changes Made to State Employee and Teacher Retirement Benefits

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP-AM MAJ ONTP MIN	H-1054

LD 2121 proposed to repeal the 1.15 percent increase in employee contributions and reinstate the cost-of-living adjustment for retirement system members retiring before normal retirement age which were enacted in 1993.

Committee Amendment "A" (H-1054) proposed to strike from the bill the section that reinstates the cost-of-living adjustment of Maine State Retirement System members retiring before normal retirement age and to retain the provisions of the bill that restore the contribution level required of members to the pre-1993 rate and makes the change effective January 1, 1999. The amendment also adds an appropriation, an allocation and a fiscal note to the bill. The amended bill died on the Appropriations Table.

LD 2125

An Act to Improve Public Sector Labor Relations

PUBLIC 773

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM	H-937 S-569 MILLS S-776 MICHAUD

LD 2125 proposed to amend the Municipal, State and Judicial Employees Labor Relations Acts by stating that the terms of an expired contract between a public employer and a bargaining agent remain in effect until the parties agree upon a new contract.

Committee Amendment "A" (H-937) proposed to replace the bill and to require the grievance arbitration provisions of an expired contract to remain in effect until the parties execute a new contract. The amendment proposed to specify that the bill applies to all contracts that expire on or after August 1, 1998. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-569) proposed to specify that the grievance arbitration provisions of expired contracts that must remain in effect until the parties execute a new contract are only those that pertain to disciplinary action.

Senate Amendment "D" to Committee Amendment "A" (S-776) proposed to remove persons who are employed by a person who has contracted to perform services for the Bureau of Revenue Services from the definition of persons who are not state employees for the purpose of the State Employees Labor Relations Act, effective retroactively to April 2, 1998. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 773 amends the Municipal, State and Judicial Employees Labor Relations Acts by stating that, when a contract between a public employer and a bargaining agent expires, the grievance arbitration provisions of the expired contract that pertain to disciplinary action remain in effect until the parties agree upon a new contract. The law also amends the State Employees Labor Relations Act by eliminating from the definition of state employee a person employed by a person who has contracted to perform services for the Bureau of Revenue Services.

LD 2135 **An Act to Establish a Uniform Special Retirement Plan for State Law Enforcement Personnel, Maine State Prison Personnel, Emergency Personnel, Other Employee Groups That, Prior to September 1, 1984, Had Special Retirement Plans and Certain Emergency Personnel and to Revise the Restoration to Service Requirements** **PUBLIC 769 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PINGREE	OTP-AM	H-1118

LD 2135 proposed to establish a uniform special retirement plan for state police officers, game wardens, Marine Patrol officers and employees of correctional facilities who have contact with prisoners. Full service retirement benefits would be available to employees in these positions after completing 20 years of service and reaching age 50.

Committee Amendment "A" (H-1118) replaced the bill. The amendment proposed to establish a uniform special retirement plan for marine patrol officers, game wardens, forest rangers, state police, Maine State Prison employees having direct prisoner contact, state airplane pilots, liquor inspectors and firefighters at the Bangor International Airport. With the exception of the firefighters, all these categories of employees were eligible before 1984 for some type of special retirement plan that provided for early retirement with full benefits based on a requirement for years of service that was less than the regular retirement plan for state employees and teachers. In 1984, the special plans for state police and prison guards were modified; and all the others were eliminated. The result has been different treatment for employees in different categories of employment and within the same category depending on date of hire.

The uniform special retirement plan, called the 1998 Special Plan, proposed in this amendment is patterned on the regular retirement plan for state employees and teachers. Under the special plan, the retirement benefit is computed based on the member's average final compensation and years of service and members qualify for a service retirement benefit at normal retirement age after 10 years of service as under the regular plan. The normal retirement age under the special plan is 55, as compared to 60 or 62 under the regular plan. Members of the special plan may retire before normal retirement age with a reduction in benefits as under the regular plan.

As proposed in the amendment beginning June 30, 1998, all the eligible employees would be covered by the special retirement plan provided in this amendment. Provisions are made for the incorporation into the new plan of members who have service under current plans. Members with service under both the special plan established in