

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*July 2003*

**Members:**

*Sen. Betheda G. Edmonds, Chair  
Sen. Steven S. Stanley  
Sen. Kenneth Blais*

*Rep. William J. Smith, Chair  
Rep. Deborah J. Hutton  
Rep. Paul R. Hatch  
Rep. John L. Patrick  
Rep. Thomas R. Watson  
Rep. Russell P. Treadwell  
Rep. Philip Cressey, Jr.  
Rep. Robert W. Nutting  
Rep. Theodore H. Heidrich  
Rep. Troy D. Jackson*

**Staff:**

*Deborah C. Friedman, Senior Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. 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 considered by the committees. It is arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

*Joint Standing Committee on Labor*

**LD 575                      An Act To Encourage Workers' Compensation Dispute Resolutions    CARRIED OVER**

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

LD 575 proposes to authorize the Workers' Compensation Board to levy a \$500 surcharge on an employer if, at the conclusion of mediation, the employee obtains or retains more benefits than the employer had offered prior to mediation. The bill also proposed to levy a \$1,500 surcharge on an employer if, at the conclusion of a formal hearing, the employee obtains or retains more benefits than the employer had offered prior to the hearing. The surcharges would be deposited in a dedicated fund to be used to defray the costs of the worker advocate program.

LD 575 was reported out of committee on a divided report (OTP-AM and ONTP), but was re-referred to committee and carried over.

**LD 589                      An Act To Create a Woods-related Bargaining Council    ONTP**

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

LD 589 was a concept draft that proposed to set up a bargaining council to allow loggers and independent truckers engaged primarily in the forest industry to bargain collectively. The council would be modeled on the Maine Agricultural Bargaining Board. See also LD 1318.

**LD 658                      An Act To Improve the Operation of the Workers' Compensation Board    PUBLIC 382**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W EDMONDS	OTP-AM    MAJ ONTP        MIN	H-57

LD 658 proposed to move authority to review appointments to the Workers' Compensation Board from the Legislature's committee on state and local government matters to the committee on labor matters. It proposed to authorize the Workers' Compensation Board to appoint the general counsel and the executive director of the Board for 5-year terms, removable by vote of a simple majority of the Board. It proposed to authorize the general counsel and the executive director to hire the remaining personnel, including hiring or contracting for hearing officers for 5-year terms. It proposed to direct the executive director to submit the biennial and annual budgets, and to allow the board to expend up to 10% of the Workers' Compensation Board Administrative Fund in a fiscal year for unanticipated expenses, without legislative approval.

**Committee Amendment "A" (H-57)** proposed to delete all sections of the bill except the section that moves authority to review nominations of Workers' Compensation Board members from the joint standing committee having jurisdiction over state and local government matters to the committee having jurisdiction over labor matters.

## Joint Standing Committee on Labor

### *Enacted Law Summary*

Public Law 2003, chapter 382 moves authority to review nominations of Workers' Compensation Board members from the joint standing committee having jurisdiction over state and local government matters to the committee having authority over labor matters.

**LD 672**                      **An Act Relating to Employees Whose Membership in the Maine State Retirement System is Optional**                      **PUBLIC 261**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-138

LD 672 proposed to allow confidential employees of the Maine Technical College System who are not represented in a collective bargaining unit to amend their retirement system election.

**Committee Amendment "A" (S-138)** proposed to replace the bill. It proposed to provide that any employee whose membership in the Maine State Retirement System is optional, including confidential employees of the Maine Community College System, may purchase, at the actuarial cost, service credit for the time during which that person was eligible to be in the Maine State Retirement System but elected not to join. It proposed that a confidential employee of the Maine Community College System whose membership is optional and who is not represented by a union may join or rejoin the Maine State Retirement System only when the funds necessary to pay the additional costs to the Maine Community College System have been identified and designated.

### *Enacted Law Summary*

Public Law 2003, chapter 261 clarifies the ability of an employee whose membership in the Maine State Retirement System is optional, including confidential employees of the Maine Community College System, to reenter the system after having earlier withdrawn. It provides that any employee whose membership is optional may purchase service credit for the time during which that person was eligible to be in the Maine State Retirement System but elected not to join the Maine State Retirement System. The employee would be required to pay the full actuarial cost of the service credit. Finally, it provides that a confidential employee of the Maine Community College System whose membership is optional and who is not represented by a union may join or rejoin the Maine State Retirement System only when the funds necessary to pay the additional costs to the Maine Community College System have been identified and designated.

**LD 673**                      **An Act To Increase Maine's Minimum Wage**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH PATRICK		

LD 673 proposes to increase the minimum wage from the current \$6.25 per hour to \$6.65 per hour beginning October 1, 2003 and to \$7 per hour beginning October 1, 2004.