

# MAINE STATE LEGISLATURE

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*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*

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# 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*

4. Makes the withdrawal of contributions from the Maine State Retirement System optional when a member who is covered by the Social Security Act elects to cease contributing to Maine State Retirement System and when a member who is covered by an employer-provided retirement plan elects to cease contributing to the Maine State Retirement System.
5. Changes the attendance and voting requirements under which the Participating Local District Advisory Committee transacts business and adds the retirement system staff to those permitted to make rule amendment proposals regarding the consolidated retirement plan for local district employees to the Board of Trustees of the Maine State Retirement System. The Participating Local District Advisory Committee was previously the sole entity permitted to make such proposals.
6. Makes changes to the recently enacted law (Public Law 2001, chapter 442) allowing state employees, teachers and participating local district members of the retirement system to retire and return to covered employment without a limitation on earnings. First, to comply with federal age discrimination law, chapter 387 provides that retirees who take advantage of the new state law and exercise their choice to retire without a cap on their earnings while retired but also without the ability to accrue additional service credit for retirement purposes do so willingly and knowingly. Second, it directs the retirement system to adopt rules regarding termination of employment to comply with federal tax law and regulations. Third, the law provides the retirement system the ability to collect the necessary information from employers to determine the impact of the new law on the costs of the plan.

**LD 1532**

**An Act To Raise the Threshold under the Fair Minimum Wage  
Rate on Construction Projects Law**

**PUBLIC 197**

Sponsor(s)  
PATRICK

Committee Report  
OTP

Amendments Adopted

LD 1532 proposed to increase the threshold for requiring a wage and benefit determination on a state construction project from \$10,000 to \$50,000.

### ***Enacted Law Summary***

Public Law 2003, chapter 197 increases the threshold for requiring a wage and benefit determination on a state construction project from \$10,000 to \$50,000.

**LD 1535**

**An Act To Authorize Certain Former Members of the Maine State  
Retirement System To Rejoin the Maine State Retirement System**

**PUBLIC 324  
EMERGENCY**

Sponsor(s)  
GAGNON

Committee Report  
OTP-AM

Amendments Adopted  
S-152

Public Law 2001, chapter 442 removed the earning cap for retirees under the Maine State Retirement System who returned to covered service and, at the same time, precluded those retirees from being restored to membership in the Maine State Retirement System. LD 1535 proposed to allow a recipient of retirement benefits under the Maine State Retirement System at the time the law was changed who had returned to covered service to rejoin the system in certain circumstances, which would permit the member potentially to increase retirement benefits.

## *Joint Standing Committee on Labor*

**Committee Amendment "A" (S-152)** proposed to require an employee who exercises the option under the bill to be retroactively restored to membership in the Maine State Retirement System to pay back to the retirement system over earnings while not a member, to pay full actuarial cost of the retirement benefit based on additional creditable service allowed under the bill and to repay retirement benefits received after retroactive restoration to membership. The amendment also proposed to provide an option for an employee to be restored to membership prospectively. An employee who exercises that option must repay the retirement system for any over earnings while retired before Public Law 2001, chapter 442 was enacted.

### *Enacted Law Summary*

A previously enacted law (Public Law 2001, chapter 442) removed the earnings cap for retirees under the Maine State Retirement System who returned to covered service and, at the same time, precluded those retirees from being restored to membership in the Maine State Retirement System. Public Law 2003, chapter 324 allows a recipient of retirement benefits under the Maine State Retirement System at the time the law was changed who had returned to covered service to rejoin the system in certain circumstances, which would allow the member potentially to increase retirement benefits.

Under chapter 324 such an employee may exercise the option to be retroactively restored to membership in the Maine State Retirement System. In that case, the employee is required to pay back to the retirement system over earnings while not a member, to pay the full actuarial cost of the new retirement benefit based on additional creditable service allowed under this chapter and to repay retirement benefits received after being retroactively restored to membership. An employee also has the option to be restored to membership prospectively. That employee must repay the retirement system for any over earnings while retired before Public Law 2001, chapter 442 was enacted.

Public Law 2003, chapter 324 was enacted as an emergency measure, effective May 27, 2003.

**LD 1544**

### **An Act To Revise the Standards for Reporting Public Sector Workplace Deaths and Serious Injuries**

**PUBLIC 244**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS DUPLESSIE	OTP	

LD 1544 proposed to reduce the time frame within which a public employer must report a death or serious injury to the Director of the Bureau of Labor Standards within the Department of Labor.

### *Enacted Law Summary*

Public Law 2003, chapter 244 reduces the time frame within which a public employer must report a death or serious injury to the Director of the Bureau of Labor Standards within the Department of Labor from 48 hours to 8 hours for a death and 24 hours for a serious injury, consistent with federal requirements under the Occupational Safety and Health Administration regulations.