

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Labor*

August 2005

Members:

*Sen. Ethan Strimling, Chair
Sen. Philip L. Bartlett, II
Sen. Lois A. Snowe-Mello*

*Rep. William J. Smith, Chair
Rep. John L. Tuttle, Jr.
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Rep. Darren M. Hall
Rep. James M. Hamper*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
NOT PROPERLY BEFORE THE BODY Ruled out of order by the presiding officers; bill died
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 First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Labor

LD 7

Resolve, Regarding Legislative Review of Chapter 15: Rules Relating to Severance Pay, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

RESOLVE 12

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-107
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LD 7 proposed to approve Chapter 15: Rules Relating to Severance Pay, a major substantive rule of the Department of Labor, Bureau of Labor Standards.

Committee Amendment "A" (H-107) proposed to approve adoption of Chapter 15: Rules Relating to Severance Pay by the Department of Labor, Bureau of Labor Standards with 2 changes:

1. The amendment proposed to strike out the emergency preamble and emergency clause of the resolve; and
2. The amendment proposed to require modification of Chapter 15 to provide that, if the director's determination of a covered establishment's date of termination or relocation is based primarily on the fact that the covered establishment has on that date reduced its number of employees, number of work hours or production to less than 50% of that of the same time period one year earlier, the director's determination is a presumption that may be overcome by evidence that the covered establishment's operations did not substantially cease on that date.

Enacted law summary

Resolve 2005, chapter 12 approves adoption of Chapter 15: Rules Relating to Severance Pay, a major substantive rule of the Department of Labor, Bureau of Labor Standards, but requires the following modification: if the director's determination of a covered establishment's date of termination or relocation is based primarily on the fact that the covered establishment has on that date reduced its number of employees, number of work hours or production to less than 50% of that of the same time period one year earlier, the director's determination is a presumption that may be overcome by evidence that the covered establishment's operations did not substantially cease on that date.

LD 31

An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2006

**P & S 1
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-29
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LD 31 proposed to approve the Maine State Retirement System's personal services costs and its costs for all other operating expenses for fiscal year 2005-06, including the attribution of expenses to the 3 retirement system member and employer categories: General Fund; Non-General Fund; and Participating Local District.

The bill also proposed to approve the retirement system's use of \$200,000 to begin funding for a multi-million dollar expenditure to replace aging and soon-to-be-desupported benefits payroll technology.

Committee Amendment "A" (H-29) proposed to incorporate a fiscal note.

Joint Standing Committee on Labor

Enacted law summary

Private and Special Law 2005, chapter 1 approves the Maine State Retirement System's personal services costs and its costs for all other operating expenses for fiscal year 2005-06, including the attribution of expenses to the 3 retirement system member and employer categories: General Fund; Non-General Fund; and Participating Local District, as well as the approval of the retirement system's use of \$200,000 to begin funding for a multimillion dollar expenditure to replace aging and soon-to-be-desupported benefits payroll technology.

Private and Special Law 2005, chapter 1 was enacted as an emergency measure effective April 1, 2005.

LD 54 **An Act To Reduce Workers' Compensation Costs for Small Business Employers** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	ONTP	

LD 54 proposed to provide an employer of 6 or fewer employees with exempt status under the Workers' Compensation Act of 1992 if the employer maintains employer's liability insurance and medical payments coverage and provides health coverage for its employees through Dirigo Health Insurance or through a policy that provides benefits equal to or greater than those provided through Dirigo Health Insurance.

LD 93 **An Act Concerning Disability Retirement Benefits under the Maine State Retirement System** ONTP

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

LD 93 proposed to make the changes concerning disability retirement benefits under the Maine State Retirement System made by Public Law 2003, chapter 675 retroactive to January 1, 2000.

Committee Amendment "A" (S-82) proposed to incorporate a fiscal note.

LD 145 **An Act Concerning Appeal Rights under the Maine Enterprise Option Program** PUBLIC 39

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

LD 145 proposed to permit an individual to file an appeal to the Maine Unemployment Insurance Commission in the case of a disagreement with a decision concerning the Maine Enterprise Option program rendered by the