

# 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.  
Rep. Deborah J. Hutton  
Rep. Troy D. Jackson  
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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

### 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

## Joint Standing Committee on Labor

Division of Administrative Hearings. Current law pertaining to the Maine Enterprise Option program only references the ability for someone to appeal eligibility decisions to the Department of Labor, Division of Administrative Hearings; no second level of appeal is afforded, unlike all other unemployment programs under Maine law. LD 145 proposed to make appeal rights under the Maine Enterprise Option program consistent with that afforded to all other unemployment insurance programs.

### *Enacted law summary*

Public Law 2005, chapter 39 permits 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 Division of Administrative Hearings. Prior law pertaining to the Maine Enterprise Option program only referenced the ability for someone to appeal eligibility decisions to the Department of Labor, Division of Administrative Hearings; no second level of appeal was afforded, unlike all other unemployment programs under Maine law. Public Law 2005, chapter 39 makes appeal rights under the Maine Enterprise Option program consistent with that afforded to all other unemployment insurance programs.

**LD 156**                      **An Act To Adjust the Wage Base for the Unemployment Compensation System**                      **ONTP**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 156 proposed to amend the definition of "wages" and establish a new wage base for the unemployment compensation system that would apply to wages beginning on January 1, 2006.

**LD 184**                      **An Act To Improve Prevailing Wage Standards in Maine**                      **ONTP**

<u>Sponsor(s)</u> CLARK STRIMLING		<u>Committee Report</u> ONTP    MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 184 proposed to clarify that in publicly funded construction projects under the jurisdiction of the federal Davis-Bacon Act or other federal act, minimum wages and benefits are the higher of the federal and state rates.

**Committee Amendment "A" (H-375)** proposed to incorporate a fiscal note.

**LD 190**                      **An Act Relating to the Treatment of Employers and Military Personnel in Connection with "Call to Duty" Activity**                      **PUBLIC 40**

<u>Sponsor(s)</u> FISHER BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-26
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