

# 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  
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**Staff:**

*Jim Adolf, Legislative Analyst*

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



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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 190 proposed to relieve employers of unemployment benefit charges resulting from layoffs that occur as a result of personnel returning from military leaves of absence. Specifically, the bill proposed to address the situation in which an employer, pursuant to existing legal requirements, holds a position for a worker who is called to active duty, but needs to hire a replacement worker to keep the business going until the former employee returns. If the return of the active military personnel causes the replacement worker to be laid off, the laid-off worker receives unemployment benefits; this bill proposed to relieve the employer of any charges to the employer's unemployment tax experience rating due to this situation. LD 190 also proposed to clarify the law concerning the right of National Guard and reserve members on military leave of absence to retain normal vacation, sick leave, bonus, advancement and any other benefits related to normal employment in those employees' particular positions.

**Committee Amendment "A" (H-26)** proposed to eliminate the provisions of the bill that purported to clarify the rights of National Guard and reserve members to retain normal benefits while on military leave of absence.

### *Enacted law summary*

Public Law 2005, chapter 40 relieves employers of unemployment benefit charges resulting from layoffs that occur as a result of personnel returning from military leaves of absence. The law addresses the situation in which an employer, pursuant to existing legal requirements, holds a position for a worker who is called to active duty, but needs to hire a replacement worker to keep the business going until the former employee returns. If the return of the active military personnel causes the replacement worker to be laid off, the laid-off worker receives unemployment benefits; this law relieves the employer of any charges to the employer's unemployment tax experience rating due to this situation.

**LD 209**

### **An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations**

**PUBLIC 149**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON STRIMLING	OTP-AM MAJ ONTP MIN	H-153

LD 209 proposed to allow the Maine State Retirement System to provide the names and addresses of retirees to nonprofit or public organizations established to provide programs and services to Maine public sector retirees. The bill also proposed to repeal the waiver provision in the current law.

**Committee Amendment "A" (H-153)** proposed to allow the home address of a Maine State Retirement System retiree, until September 15, 2007, to be disclosed to nonprofit or public retiree organizations for recruitment purposes unless the retiree "opts out" from authorizing this disclosure on a form provided by the retirement system. The amendment also proposed that, beginning September 15, 2007, the information again would become confidential unless the retiree "opts in" by signing a waiver of confidentiality. The amendment also proposed to require the retirement system to deny information in the future to an organization that obtained information for the purpose of membership recruitment but used the information for another purpose.

### *Enacted law summary*

Public Law 2005, chapter 149 allows the home address of a Maine State Retirement System retiree, until September 15, 2007, to be disclosed to nonprofit or public retiree organizations for recruitment purposes unless

## Joint Standing Committee on Labor

the retiree "opts out" from authorizing this disclosure on a form provided by the retirement system. Beginning September 15, 2007, the information again becomes confidential unless the retiree "opts in" by signing a waiver of confidentiality. The law also requires the retirement system to deny information in the future to an organization that obtained information for the purpose of membership recruitment but used the information for another purpose.

**LD 214**                      **An Act To Recognize the Federal Salary Level for Overtime When Higher than the State Level**                      **PUBLIC 255**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU BRYANT B	OTP	

LD 214 proposed to provide that the minimum salary level for the purposes of exemption from overtime requirements for a bona fide executive, administrative or professional employee is 3,000 times the state minimum wage or the salary level set by the United States Department of Labor, whichever is higher. This change would align the state law with the current federal regulations in this regard.

### *Enacted law summary*

Public Law 222, chapter 255 provides that the minimum salary level for the purposes of exemption from overtime requirements for a bona fide executive, administrative or professional employee is 3,000 times the state minimum wage or the salary level set by the United States Department of Labor, whichever is higher. This change aligns state law with the current federal regulations in this regard.

**LD 215**                      **An Act To Clarify National Labor Relations Board Certification under the Overtime Provisions**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON PERRY J	ONTP	

LD 215 proposed to clarify that the minimum wage exemption granted by the Maine Revised Statutes, Title 26, section 664, subsection 3, paragraph I applies to labor organizations recognized by employers as well as those certified by the National Labor Relations Board.

**LD 235**                      **An Act To Increase the Minimum Wage**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE BRYANT B		

LD 235 proposed to increase the minimum wage to \$7.00 per hour over a 2-year period.