

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
Rep. Herbert E. Clark
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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

unemployed part-time workers. The amendment also proposed to direct the department to report its results to the Joint Standing Committee on Labor by January 15, 2006.

Senate Amendment "B" to Committee Amendment "A" (S-318) proposed to retain the sunset provision but extend it for 3 years until September 30, 2008.

Enacted law summary

Public Law 2005, chapter 454 extends until September 30, 2008 the sunset on the expansion of unemployment benefit eligibility to workers who have a primary history of part-time work, who are laid off and are only able and available for comparable part-time work. The language expanding those benefits in prior law took effect on January 1, 2004 and was scheduled to sunset on September 30, 2005 until chapter 454 was enacted. Additionally, chapter 454 directs the Department of Labor to develop as a pilot program an education and training program for unemployed part-time workers that is designed to enhance the employability and economic security of those workers. In designing the pilot program, the department is directed to develop methods to facilitate the participants' efficient transition from receiving compensation under the unemployment compensation insurance system to obtaining new job placements and to minimize the impact on the Unemployment Trust Fund from extending unemployment compensation benefits to unemployed part-time workers. The department is directed to report its results to the Joint Standing Committee on Labor by January 15, 2006.

LD 322 **An Act To Amend the Process for Review of Hearing Officer Decisions by the Workers' Compensation Board** **PUBLIC 25**

| | | | | |
|-------------------|--|--------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> | | <u>Committee Report</u> OTP | | <u>Amendments Adopted</u> |
|-------------------|--|--------------------------------|--|---------------------------|

LD 322 proposed to extend the time within which a hearing officer may request review of a decision by the full Workers' Compensation Board to allow for the filing of motions to find the facts specially and state separately the conclusions of law.

Enacted law summary

Public Law 2005, chapter 25 extends the time within which a hearing officer may request review of a decision by the full Workers' Compensation Board to allow for the filing of motions to find the facts specially and state separately the conclusions of law.

LD 350 **An Act To Provide Funding To Allow Veterans Who Received Certain Combat Medals To Purchase Subsidized Service Time towards Their Retirement** **CARRIED OVER**

| | | | | |
|---|--|-----------------------------------|--|-----------------------------------|
| <u>Sponsor(s)</u> CAMPBELL NASS R | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-32 |
|---|--|-----------------------------------|--|-----------------------------------|

Joint Standing Committee on Labor

LD 350 proposed to allow members of the Maine State Retirement System with at least 15 years of creditable service who served in the Armed Forces of the United States to purchase service credit for the time spent in the armed forces at a subsidized cost, whether or not the military time was during a federally recognized period of conflict or the member was awarded a campaign or expeditionary medal.

Committee Amendment "A" (H-32) proposed to replace the bill. The amendment proposed to appropriate funds to the Maine State Retirement System for the purposes of Public Law 2003, chapter 693, which enables veterans who received certain combat or expeditionary medals to purchase military service credit toward retirement at a subsidized rate.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 378 **An Act Authorizing the Commissioner of Labor To Negotiate Settlements in Cases of Overpayment of Unemployment Compensation** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| DAVIS G BRENNAN | ONTP | |

LD 378 proposed to grant the Commissioner of Labor the authority to negotiate settlements waiving or restructuring the repayment of all or any portion of erroneously paid unemployment benefits, similar to the Maine Unemployment Insurance Commission's authority, under current law, to grant a waiver to a person for repayment of erroneously paid benefits. The bill proposed to leave intact the authority of the Maine Unemployment Insurance Commission to grant waivers.

LD 393 **An Act To Amend the Laws Governing Bargaining Agents for Public Universities and Colleges** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| AUSTIN SNOWE-MELLO | ONTP | |

LD 393 proposed to clarify the laws governing bargaining agents for employees at public universities and colleges in Maine as follows:

1. Public universities and colleges in this State would be required to recognize and accept an employee and the employee's attorney as the grievant and representative, as well as the bargaining agent, for purposes of a grievance proceeding;
2. If requested by an employee, the bargaining agent would be required to fairly represent the employee at every step of the grievance process;