

# 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  
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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 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 122<sup>nd</sup> 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<br>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<br>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;

*Joint Standing Committee on Labor*

3. An employee who elects to proceed with a grievance without representation by the bargaining agent would have all of the rights to pursue the grievance that the bargaining agent would have had;
4. The role of the bargaining agent would be set forth, both in instances in which the employee has requested representation by the bargaining agent and instances in which the employee has declined such representation; and
5. The issue of potential conflicts of interest would be addressed.

**LD 396**                      **An Act To Amend the Laws Concerning the Maine State Retirement System**                      **PUBLIC 238**

| <u>Sponsor(s)</u> | <u>Committee Report</u>   | <u>Amendments Adopted</u> |     |      |     |  |
|-------------------|---|---------------------------|-----|------|-----|--|
| SMITH W           | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">OTP</td> <td style="padding: 2px 10px;">MAJ</td> </tr> <tr> <td style="padding: 2px 10px;">ONTP</td> <td style="padding: 2px 10px;">MIN</td> </tr> </table> | OTP                       | MAJ | ONTP | MIN |  |
| OTP               | MAJ   |                           |     |      |     |  |
| ONTP              | MIN   |                           |     |      |     |  |

LD 396 proposed to authorize the Maine State Retirement System to employ a general counsel and, with the approval of the Attorney General, assistant counsel. The bill proposed to require that the Maine State Retirement System's executive director and the Attorney General agree on the duties of any such positions by entering into a memorandum of understanding.

***Enacted law summary***

Public Law 2005, chapter 238 authorizes the Maine State Retirement System to employ a general counsel and, with the approval of the Attorney General, assistant counsel. The law requires that the Maine State Retirement System's executive director and the Attorney General agree on the duties of any such positions by entering into a memorandum of understanding.

**LD 423**                      **An Act To Allow Food Service Workers for Public Schools To Collect Unemployment Benefits**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u>  | <u>Amendments Adopted</u> |     |        |     |  |
|-------------------|--|---------------------------|-----|--------|-----|--|
| CRAVEN<br>MARTIN  | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">ONTP</td> <td style="padding: 2px 10px;">MAJ</td> </tr> <tr> <td style="padding: 2px 10px;">OTP-AM</td> <td style="padding: 2px 10px;">MIN</td> </tr> </table> | ONTP                      | MAJ | OTP-AM | MIN |  |
| ONTP              | MAJ  |                           |     |        |     |  |
| OTP-AM            | MIN  |                           |     |        |     |  |

LD 423 proposed to make a food service worker in a public school eligible to collect unemployment benefits in between 2 academic years, even if the worker has received written assurance that the worker will be employed by the school as a food service worker in the 2nd academic year.