

# 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*

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

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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 425**

**An Act To Amend the Laws Relating to Unemployment Compensation**

**PUBLIC 35**

|                              |  |                                   |  |                                   |
|------------------------------|--|-----------------------------------|--|-----------------------------------|
| <u>Sponsor(s)</u><br>FISCHER |  | <u>Committee Report</u><br>OTP-AM |  | <u>Amendments Adopted</u><br>H-31 |
|------------------------------|--|-----------------------------------|--|-----------------------------------|

LD 425 proposed to amend the exemption from the definition of "employment," for the purposes of unemployment compensation and insurance, as it relates to the delivery and distribution of periodicals. Under current law, only those delivery or distribution workers who deliver directly to consumers fall within the exemption. LD 425 proposed to expand the exemption to include workers that deliver bundles of periodicals to businesses and the like, thereby making state law consistent with federal law governing social security and unemployment taxes.

**Committee Amendment "A" (H-31)** proposed to replace the bill. The amendment proposed to clarify the exemption to the definition of "employment," for the purposes of unemployment compensation and insurance, as it relates to the delivery and distribution of periodicals by replacing the term "periodicals" with the term "newspapers or magazines."

*Enacted law summary*

Public Law 2005, chapter 35 clarifies the exemption from the definition of "employment," for the purposes of unemployment compensation and insurance, concerning the delivery and distribution of periodicals by replacing the term "periodicals" with the term "newspapers or magazines."

**LD 430**

**An Act To Modify the Obligation To Bargain under the Municipal Public Employees Labor Relations Law** **CARRIED OVER**

|  |  |                         |  |                           |
|--|--|-------------------------|--|---------------------------|
| <u>Sponsor(s)</u><br>NORTON<br>EDMONDS |  | <u>Committee Report</u> |  | <u>Amendments Adopted</u> |
|--|--|-------------------------|--|---------------------------|

LD 430, a concept draft pursuant to Joint Rule 208, proposed to modify the obligations of public employers and their employees to bargain collectively, as is currently required under the Maine Revised Statutes, Title 26, section 965.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 435**

**An Act To Conform Maine Law to Federal Overtime Standards**

**ONTP**

|  |  |  |  |                           |
|--|--|--|--|---------------------------|
| <u>Sponsor(s)</u><br>MCKANE<br>SNOWE-MELLO |  | <u>Committee Report</u><br>ONTP MAJ<br>OTP MIN |  | <u>Amendments Adopted</u> |
|--|--|--|--|---------------------------|

## *Joint Standing Committee on Labor*

LD 435 proposed to conform Maine overtime laws to those of the federal Fair Labor Standards Act and to require that rules adopted by the Director of Labor Standards within the Department of Labor conform to regulations adopted pursuant to the federal Fair Labor Standards Act, including the "white-collar exemptions" that became effective on August 23, 2004.

**LD 445**                      **An Act To Index the Minimum Wage for Inflation and To Permit a Training Wage for Workers under 17 Years of Age**                      **ONTP**

|                              |                                 |                           |
|------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>MILLS P | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|------------------------------|---------------------------------|---------------------------|

LD 445 proposed to index the hourly minimum wage to the rate of inflation. The hourly minimum wage, currently scheduled to increase from \$6.35 per hour to \$6.50 per hour beginning October 1, 2005, would be adjusted every 3 years, beginning October 1, 2006, to reflect the rate of inflation for the previous 3 years. LD 445 also proposed to establish a training wage, which is a minimum wage for employees under 17 years of age. The training wage would be the federal minimum wage, which is currently \$5.15 per hour.

**LD 485**                      **An Act To Prohibit Permanent Replacement Workers**                      **ONTP**

|   |                                 |                           |
|---|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>PINEAU<br>BRYANT B | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|---|---------------------------------|---------------------------|

LD 485 proposed to prohibit an employer from refusing to rehire an employee who was on strike or was locked out of employment if the reason for the refusal is that a replacement employee had been hired during the strike or lockout. Current federal case law allowing in some instances replacement workers to permanently replace workers who were on strike or were locked out is based on dicta from a case decided by the United States Supreme Court in 1938, NLRB v. Mackay Radio & Tel. Co., 304 U.S. 333.

**LD 487**                      **An Act Concerning Payment of Health Insurance Premiums for Surviving Spouses of Maine State Retirement System Members**                      **PUBLIC 67**

|                              |                                   |                                    |
|------------------------------|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u><br>DAVIS G | <u>Committee Report</u><br>OTP-AM | <u>Amendments Adopted</u><br>H-122 |
|------------------------------|-----------------------------------|------------------------------------|

LD 487 proposed to direct the Board of Trustees of the Maine State Retirement System to reimburse the surviving spouse of a Maine State Retirement System member for any health insurance premiums paid by the surviving spouse that exceed 40% of the retirement benefits received. The bill also proposed to authorize the board to adopt routine technical rules for implementation.

**Committee Amendment "A" (H-122)** proposed to replace the bill. The amendment proposed to guarantee that a spouse or other dependents of a retiree enrolled in the group health plan may continue coverage under the plan