

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.
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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

LD 1021 **An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters** **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1021 proposed to implement the unanimous recommendations of the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters.

Part A proposed to create a state subsidy for the cost of retiree health insurance for municipal and county law enforcement officers and firefighters who retire from certain Maine State Retirement System retirement plans. To pay for the subsidy, the bill proposed to create a dedicated account funded from 2 sources: a 0.50% premium tax on certain types of property and casualty insurance policies, including homeowners insurance and commercial and personal car insurance, and a contribution of 1.5% of compensation from active municipal and county law enforcement officers and firefighters who participate in certain retirement plans and would be likely to be eligible for the subsidy upon retirement. Officers and firefighters would be eligible for the subsidy only if they have retired from a Maine State Retirement System retirement plan that provides for retirement after 25 years of service, with a benefit of at least 50% of average final compensation and a cost-of-living adjustment, or a better Maine State Retirement System retirement plan. The bill proposed to require the Department of Administrative and Financial Services to report on revenue and funding of the subsidy to the Legislature in 2011, and to require the Bureau of Insurance in the Department of Professional and Financial Regulation to submit a report to the Second Regular Session of the 122nd Legislature setting forth options for collecting contributions toward the cost of the retiree health insurance from businesses that do not purchase insurance for the types of property and casualty risks described in the bill.

Part B proposed to allow state, county and municipal law enforcement officers and firefighters who change employers to purchase portability of their retirement benefits, if they are changing retirement plans and the plan to which they are moving does not provide portability. Portability would allow a person to count all or a portion of years of service from an earlier retirement plan when calculating a benefit or meeting the years-of-service requirement in a later retirement plan, and to count compensation from all years of service in determining average final compensation, one of the factors in calculating a retirement benefit. This provision would apply only to persons moving among the types of Maine State Retirement System retirement plans described above.

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

LD 1044 **An Act To Care for Families** **PUBLIC 455**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
EDMONDS		OTP-AM MAJ		S-280
RICHARDSON J		ONTP MIN		S-335 COURTNEY
				S-347 RAYE

LD 1044 proposed to require an employer to allow an employee who receives paid leave, such as sick or vacation time, to use that time to care for an ill immediate family member.

Joint Standing Committee on Labor

Committee Amendment "A" (S-280) proposed to do the following:

1. Limit application of the bill to employers with 15 or more employees;
2. Narrow and clarify the definitions of "immediate family member" and "paid leave";
3. Allow employers to limit an employee's use of paid leave for care of a family member to 40 hours per year;
4. Allow employers to eliminate or modify paid leave benefits;
5. Establish penalties of \$50 for a first violation, \$100 for a 2nd violation and \$250 for each subsequent violation; and
6. Clarify certain other provisions of the bill.

Senate Amendment "A" to Committee Amendment "A" (S-335) proposed to remove the specified penalties for a violation by the employer of the family sick leave provisions.

Senate Amendment "C" to Committee Amendment "A" (S-347) proposed to change the application of the bill from employers with 15 or more employees to employers with 25 or more employees.

Enacted law summary

Public Law 2005, chapter 455 requires an employer with 25 or more employees to allow an employee who receives paid leave, such as sick or vacation time, to use that time to care for an ill immediate family member. The law allows an employer to limit an employee's use of paid leave for care of a family member to 40 hours per year, and to eliminate or modify paid leave benefits.

LD 1050

An Act To Promote Enforcement of Labor Laws Affecting Employers

CARRIED OVER

Sponsor(s)
EDMONDS
SMITH W

Committee Report

Amendments Adopted

LD 1050 proposed to require the Attorney General to investigate violations of the labor laws, including wage and hour violations and unemployment fraud, and prosecute violators. The bill proposed to specify that, if the Attorney General determines that an employer has violated a labor law, the Attorney General must investigate all the employees and subcontractors of that employer.

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