

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:

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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.

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LD 1236 proposed to establish the Study Commission Regarding Liveable Wages.

Committee Amendment "A" (H-232) proposed to change the membership of the study commission, so that the commission would include the following: 2 Senators who are from different parties and are members of the Joint Standing Committee on Labor; 3 members of the House of Representatives who also are members of the Joint Standing Committee on Labor and of whom no more than 2 are of the same party; and one representative each of the business community, municipal government, organized labor and an advocacy organization for the poor or for women. Additionally, the amendment proposed to include the Commissioner of Labor, the Commissioner of Health and Human Services and the Commissioner of Economic and Community Development as ex officio, nonvoting members of the commission. The amendment also proposed to include in the commission's duties an examination of the economic impact to the State of a liveable wage. The amendment also proposed to set August 1, 2005 as the latest date on which the commission must convene, and to clarify that the Legislative Council shall provide necessary staffing services.

Senate Amendment "B" to Committee Amendment "A" (S-213) proposed to strike the emergency preamble and emergency clause from the resolve and adjust the commission's initial meeting date and final reporting date accordingly. The amendment also proposed to remove the requirement that legislative members appointed to the commission be members of the Joint Standing Committee on Labor and conform the resolve with the Standards for Legislative Studies adopted by the Legislative Council and the Joint Rules.

Enacted law summary

Resolve 2005, chapter 128 establishes the Study Commission Regarding Liveable Wages. Members of the commission include: 2 Senators who are from different parties; 3 members of the House of Representatives of whom no more than 2 are of the same party; and one representative each of the business community, municipal government, organized labor and an advocacy organization for the poor or for women. The Commissioner of Labor, the Commissioner of Health and Human Services and the Commissioner of Economic and Community Development serve as ex officio, nonvoting members of the commission.

LD 1238

An Act To Ensure Compliance with Safety Regulations

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU BRYANT B	OTP-AM MAJ ONTP MIN	

LD 1238 was intended to protect public safety by proposing to require inspections of certain industrial and commercial facilities that use potentially hazardous substances, equipment and machinery to ensure that operations will be undertaken properly. The bill proposed to prevent the initiation or resumption of operation of any facility that employs more than 250 persons, uses hazardous substances or hazardous equipment or machinery in its operations and is being operated by an inexperienced workforce. The operator of such a facility would be required to notify the Department of Labor, Bureau of Labor Standards of the impending initiation or resumption of operation, and the Bureau of Labor Standards would schedule and conduct an inspection of the facility and consult with the employees of the facility to ensure that the facility may safely initiate or resume operation. The bill proposed to provide opportunity for public comment and input from local government and the facility's employees to ensure adequate information is obtained about potential hazards caused by the facility's operation. The bureau would cooperate with the State Emergency Response Commission and local emergency planning

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committees to ensure that local emergency response plans are understood and followed in the event of an emergency at the facility. Finally the bill proposed to prohibit the facility from beginning or resuming operation until it had been inspected by the Bureau of Labor Standards and found to be safe for operation.

Committee Amendment "A" (H-443) proposed to remove the prohibition on initiation or resumption of operation of a covered facility until inspection by the Department of Labor, Bureau of Labor Standards is complete. In place of that prohibition, the amendment proposed to require that a covered facility cease operations if it has been found deficient through the bureau's inspection and to allow the facility to resume operations only after the deficiencies have been corrected. This amendment also proposed to add an appropriations and allocations section.

LD 1247 **An Act To Modify Labor Laws with Regard to Minor Workers** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	ONTP MAJ	
COWGER	OTP-AM MIN	

LD 1247 proposed to raise the maximum number of hours a 16-year-old or 17-year-old may work during a school week from 20 hours to 35 hours and to raise the number of hours a 16-year-old or 17-year-old may work during a school day from 4 hours to 5 hours. The bill proposed to limit a minor whose overall grade average is below a C or who has an average grade in any class below a C- to working no more than 20 hours during a school week and only during the hours of 3:00 p.m. to 8:00 p.m. on a school day. A secondary school would be required to notify every student whose work schedule is limited under this provision. The bill proposed to allow a minor to return to normal working conditions if the school administrator determines the minor's overall grade average has risen to at least a C and that no average grade for any class is below C-. Current law requires employers of minors under 18 years of age to keep a time book or record on every minor working for the employer. This bill proposed to require the employer to send a copy of this time book to the minor's secondary school on a monthly basis, and to eliminate the provision that does not count the time a minor works in an approved vocational cooperative education program towards the maximum number of hours the minor may work during a school day or week.

Committee Amendment "A" (H-409), which was the minority report of the committee and was not adopted, proposed to replace the bill. The amendment proposed to raise the limit on work hours for a 17-year-old while school is in session from 20 hours per week to 30 hours per week, if the 17-year-old provides proof to the employer of achievement of an overall B average for the prior semester. The amendment also proposed to raise the limit on work hours for 17-year-olds while school is in session from 4 hours per day to 6 hours per day. Finally, the amendment proposed to add an appropriations and allocations section to the bill.

LD 1269 **An Act To Change the Retirement Eligibility Requirements for Investigators in the Office of the Attorney General and the Department of the Secretary of State** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	ONTP	
FARRINGTON		