

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON LABOR

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

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 (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Labor

LD 913 An Act To Amend State Employees' Bargaining Agents' Election Contributions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROBINSON DOW	ONTP	

This bill requires a poll by the bargaining agent for a State executive or legislative branch bargaining unit of the members of that unit if 10 per cent of those members make a written request for such a poll to the executive director of the Maine Labor Relations Board. The poll would be by secret ballot and would be for the sole purpose of determining the political party affiliation totals for the members of the unit. Any monetary contributions made by the bargaining agent to political parties, the campaigns of political candidates or political action committees whose principal officers or primary fund-raisers or decision makers are political candidates or political officeholders must be made in such a way that the total percentage of money given to a candidate or candidates from each political party is the same as the percentage of members of that bargaining unit that indicated an affiliation with that political party.

LD 933 An Act To Authorize the Certification of Workplace Safety Programs Offered by Workers' Compensation Insurers

ONTP

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

This bill directs the Superintendent of Insurance to adopt rules establishing the standards for approval of workplace health and safety consultations provided to employers by insurance carriers. The rules must include a process by which insurers may be certified by the superintendent as meeting or exceeding those standards. The bill authorizes the Department of Labor to decline providing safety consulting services to employers that can obtain comparable services from their insurers and exempts insurers that are certified as meeting or exceeding the standards for approval of workplace health and safety consultations from the annual assessment by the Department of Labor to fund its consultations.

LD 934 An Act To Establish Working Hours and Wages for Teenagers

ONTP

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

This bill sets the minimum wage for a minor under 17 years of age at \$5.25 per hour, increases from 20 to 30 the hours a minor under 18 years of age may work during a week while school is in session and increases from 18 to 22 the hours a minor under 16 years of age may work during a week while school is in session.

LD 955 An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing of Temporary Workers

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM	S-190

This bill, for purposes of being required to be tested under the labor substance abuse testing laws, excludes from the definition of "employee" and includes in the definition of "applicant," a person who is on an employment agency

Joint Standing Committee on Labor

roster of eligibility for a work assignment with a client company to which the person has not been assigned in the last 30 days.

Committee Amendment "A" (S-190)

This amendment replaces the bill with a provision that, rather than amending the definitions of "applicant" and "employee," allows an employment agency to request a written waiver from an individual already in its employ or on a roster of eligibility to allow a drug test for a temporary placement, under certain conditions.

Enacted Law Summary

Public Law 2007, Chapter 339 provides that, for purposes of being required to be tested under the labor substance abuse testing laws, an employment agency may request a written waiver from an individual already in its employ or on a roster of eligibility to allow a drug test for a temporary placement, under certain conditions.

LD 998 **An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-124

The bill provides that a member of the Maine State Retirement System whose previous membership was based upon employment as a public safety emergency communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety emergency communications technician for the department may elect to include that previously earned creditable service with service earned as a state employee under certain conditions.

Committee Amendment "A" (S-124)

This amendment incorporates a fiscal note.

LD 1015 **An Act To Amend the Unemployment Laws**

PUBLIC 230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-122

This bill allows an individual in the employ of a son, daughter or spouse or an individual under the age of 18 in the employ of a parent to receive unemployment compensation for periods of service for which unemployment insurance is paid.

Committee Amendment "A" (S-122)

This amendment adds the word "contributions" to clarify what constitutes "employment" under the Maine Revised Statutes, Title 26, section 1043, subsection 11, paragraph F, subparagraph (6).

Enacted Law Summary

Public Law 2007, Chapter 230 allows an individual in the employ of a son, daughter or spouse or an individual under the age of 18 in the employ of a parent to receive unemployment compensation for periods of service for which unemployment insurance contributions have been paid.