

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR

AUGUST 1995

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*\*Denotes Chair*



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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

**LD 195 An Act to Protect the Rights of Maine State Retirement System Employees**

PUBLIC 363

EMERGENCY

**SPONSOR(S)**  
HATCH

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-442

**SUMMARY**

This bill extends until June 30, 1996 the length of time employees of the retirement system have to decide whether to return to state service or to be treated as employees of the Maine State Retirement System as a public instrumentality.

COMMITTEE AMENDMENT "A" (H-442) replaces the bill. It clarifies the status and rights with respect to return to state service of employees of the Maine State Retirement System who were employed at the system on July 1, 1993 and who became "transferred employees" of the system under the legislation that established the system as a public instrumentality and participating local district. The amendment extends the time those employers have to decide whether to be treated as employees of the system as an independent agency or to return to state service. Those employees may exercise that option beginning July 1, 1995 and extending until 180 days after the first collective bargaining agreement is approved by the Legislature.

**LD 223 An Act to Amend the Workers' Compensation Laws Regarding Small Businesses**

ONTP

**SPONSOR(S)**  
DIPIETRO

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have allowed employers of 10 or fewer employees to choose not to utilize the workers' compensation system and would have required those employers to maintain liability insurance, health care coverage and disability income coverage. It provided that employers who maintain coverage in this manner are still responsible for assessment under the Maine Revised Statutes, Title 24-A, section 2386-A, the fresh start provisions of workers' compensation insurance. This bill was modelled on the existing provision that applies to employees of small agricultural employers.

**LD 265 An Act to Provide a Cost-of-Living Adjustment to Minimum Wage Earners**

DIED BETWEEN BODIES

**SPONSOR(S)**  
SHIAH

**COMMITTEE REPORT**  
ONTP MAJ  
OTP-AM MIN

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have required that the State's minimum hourly wage be increased each year by the amount of the percent increase in the Consumer Price Index. The minority report of the Committee would have changed the effective date of the increase from January to April of each year and added an appropriation section to cover the cost of updating the minimum wage poster.

**LD 282 An Act to Continue the Health Occupations Training Project**

INDEF PP

**SPONSOR(S)**  
MICHAUD

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill extends the Health Occupations Training Project for 3 more years, to October 1, 1998. The Committee Amendment added an appropriations section and a fiscal note to the bill. This bill was not enacted because the same provision and the accompanying appropriation of \$200,000 per year was included in the budget bill, LD 706.

**LD 301      An Act Regarding the Testing of Public Employees for Drugs      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
CHASE	ONTP	MAJ	
	OTP-AM	MIN	

**SUMMARY**

The original bill made it illegal for a public employee represented by a collective bargaining agent to be required to submit to a substance abuse test unless the policy to do so is first negotiated. The minority report of the Committee would have clarified that the partial exception for employees covered by federal testing laws does not preclude the negotiation collective bargaining agreements providing greater protections. The minority report was adopted as a Senate amendment to LD 1191.

**LD 304      An Act Concerning the Offset of Workers' Compensation      PUBLIC 76**  
**Benefits by Social Security Benefits**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
HATCH	OTP-AM	H-136

**SUMMARY**

This bill provides that a workers' compensation benefit may not be reduced to offset old-age insurance benefits received under social security if those benefits were being received prior to the date of injury or if those benefits are spouse's benefits. This bill is intended to overturn the Law Court's decisions in Casey v. Town of Portage Lake, 598 A.2d 448 (1991) and in Berry v. H.R. Beal & Sons, et. al., Decision no. 7040, November 9, 1994.

COMMITTEE AMENDMENT "A" (H-136) provides that the exception for the offset in workers' compensation benefits only applies prospectively. The amendment also adds a fiscal note to the bill.

**LD 306      An Act to Change the Retirement Provisions of      ONTP**  
**Department of Corrections Personnel**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
HATCH	ONTP	

**SUMMARY**

Currently, employees of the Maine State Prison employed prior to September 1, 1984 qualify for a service retirement if they retire on or after reaching age 50 and have 20 years of service. Those who were employed after September 1, 1984 qualify if they retire with 25 years of service regardless of age. This bill would have changed the provisions for the latter group to require that retirement be after the age of 55. It also would have extended these retirement provisions to employees of the Maine Correctional Center.