

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR

AUGUST 1995

Staff:

*Lisa Copenhaver, Legislative Analyst
David Elliott, Principal Analyst*

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. Charles M. Begley
Sen. S. Peter Mills
Sen. Anne M. Rand*

**Rep. Pamela H. Hatch
Rep. John L. Tuttle, Jr.
Rep. Gail M. Chase
Rep. Patricia Lemaire
Rep. Roland B. Samson
Rep. Henry L. Joy
Rep. Steven Joyce
Rep. Robert E. Pendleton, Jr.
Rep. Vaughn A. Stedman
Rep. Tom J. Winsor*

**Denotes Chair*



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333
Telephone (207) 287-1670
Telecopier (207) 287-1275

**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 & 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&S XXX</i> | <i>Chapter # of enacted Private & 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 704 An Act to Provide Limited Immunity to Former Employers Who Provide References

PUBLIC 335

SPONSOR(S)
HARRIMAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-218

SUMMARY

The original bill created immunity from civil liability for an employer providing employment references for a former employee unless the employer knowingly and maliciously provides false or misleading information or discloses confidential information.

COMMITTEE AMENDMENT "A" (S-218) replaced the original bill with language that reflects the case law regarding employment references. The amendment codifies the common law principle that an employer has a defense of qualified privilege in communicating work-related information about a former employee to a prospective employer if the communication is made in good faith. The amendment is not intended to create a new cause of action for former employees or to remove or change any defenses now available to a former employer.

LD 728 An Act to Facilitate Employment for Maine High School Students Participating in a Co-op Program

ONTP

SPONSOR(S)
AULT

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have permitted students in an approved vocational cooperative education program to work unsupervised in stores licensed to sell wine and malt liquor at a younger age than permitted by current law.

LD 745 An Act to Allow Employees of Local Districts to Decline Membership in the Maine State Retirement System and Choose Other Alternatives

ONTP

SPONSOR(S)
STONE

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have allowed participating local districts who do not have social security coverage for their employees to make participation in the Maine State Retirement System elective. The election becomes irrevocable 2 years from the date of election or when the district enters the consolidated retirement plan, whichever comes first. If an employee does change the election, the employee is not entitled to purchase service for time during which the employee was not a member. Once the district joins the consolidated retirement plan, elective membership would no longer be available.

LD 768 An Act to Permit the Buyback of Retirement Time

PUBLIC 180

SPONSOR(S)
MITCHELL EH
ADAMS

COMMITTEE REPORT
OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED
H-196

SUMMARY

This bill allows an elected official who had chosen not to be a member of the Maine State Retirement System the opportunity to buy credit for part or all of the period the official was not a member. The amount of payment required is the amount the official would have contributed as a member for that period, plus interest. The decision to make back contributions must be made by December 31, 1995.

COMMITTEE AMENDMENT "A" (H-196) makes the following changes:

1. It expands the application of the buyback provision to officials appointed for a fixed term to be consistent with existing law;
2. It requires officials who purchase back service under this provision to pay the actuarial equivalent of the benefit being purchased to avoid increasing the unfunded liability of the retirement system; and
3. It eliminates the option for officials who purchase back service to select the period of service they wish to buy back.

LD 777 An Act to Amend the Composition of the Board of Trustees of the Maine State Retirement System ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|---|---------------------------|
| MITCHELL EH | ONTP MAJ OTP MIN | |

SUMMARY

This bill would have amended the laws governing the composition of the Board of Trustees of the Maine State Retirement System by authorizing the Maine Association of Retirees to submit a list of nominees for one of 4 board members appointed by the Governor.

LD 790 An Act to Allow the Workers' Compensation Board to Submit Legislative Proposals Annually PUBLIC 103

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| BEGLEY CHASE | OTP | |

SUMMARY

This bill allows the Workers' Compensation Board to recommend to the Legislature changes annually instead of in first regular sessions only.

LD 839 An Act to Allow the Workers' Compensation Board to Regulate Nonfinancial Aspects of Workers' Compensation Arbitration PUBLIC 105

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| BEGLEY CHASE | OTP-AM | S-73 |

SUMMARY

This bill allows the Workers' Compensation Board to adopt rules to establish administrative processes to review and adopt individual arbitration plans and performances. The Attorney General's office has advised the board that under the current law, it has no authority to regulate any issue beyond the amount of fee to be paid to the arbitrator.