

# 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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**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

**SUMMARY**

This bill reinstates an earnings limitation of the greater of \$10,000 or the difference between average final compensation and the disability retirement benefit for beneficiaries who qualify under the Maine Revised Statutes, Title 5, former section 1122. The bill also clarifies that an earnings capacity review by the executive director is in addition to the annual earnings review that will now more closely conform to the annual earnings review in the other 2 disability plans administered by the Maine State Retirement System. The bill also directs the Maine State Retirement System to propose a plan to the Legislature that would merge the 3 different disability plans currently in effect into a single plan modeled after the Article 3-A disability plan.

COMMITTEE AMENDMENT "A" (H-495) clarifies provisions of the bill that, if a disability retirement beneficiary whose benefit has been reduced because of increased earning capacity subsequently becomes unable to work, the beneficiary's disability retirement allowance will be increased to an amount that does not exceed the allowance originally granted plus cost-of-living adjustments that have been awarded in the interim. The amendment also adds a fiscal note.

**LD 1531      Resolve, Establishing a Moratorium on Implementation of the Law Requiring Public Employers to Pay the Costs of Early Retirement Incentives**

RESOLVE 39  
EMERGENCY

**SPONSOR(S)**  
SMALL

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-297

**SUMMARY**

A provision in the 1993 budget bill required public employers who offer early retirement incentives to their employees who are members of the retirement system to pay the actuarial and administrative cost of those incentives in accordance with rules which were to be adopted by the system. Any early retirement incentives that were part of a collective bargaining agreement adopted before July 1, 1993 were not covered by the law. This bill (1) defines the term "retirement incentive"; (2) extends from July 1, 1993 to July 1, 1995 the period during which employers could offer incentives without paying the costs; and (3) establishes a payment schedule for payment of the costs.

COMMITTEE AMENDMENT "A" (S-297) This amendment replaces the bill. It suspends operation of the law requiring public employers to pay the actuarial and administrative costs of early retirement incentives granted to their employees after July 1, 1993 until March 15, 1996. In the meantime, the Maine State Retirement System is directed to collect data on the number and types of early retirement incentives granted and to calculate the costs involved. The system will report its findings to the Joint Standing Committee on Labor next session. This amendment also adds a mandate preamble and a fiscal note to the bill.

**LD 1583      An Act Regarding Timothy Harkins and Maine State Retirement System Benefits**

DIED BETWEEN  
BODIES

**SPONSOR(S)**  
KILKELLY

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill which was not referred to committee would have directed the Maine State Retirement System to continue pay to Timothy Harkins II the level of disability retirement benefits it was paying on February 1, 1995 as long as the disability continues. The bill also would have prohibited the Maine State Retirement System from seeking reimbursement of any overpayment from Timothy Harkins II.