

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1997

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 handled by the joint standing committees. It is organized alphabetically 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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 finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

LD 632 **Resolve, Directing the Department of Public Safety to Study the Issue of a Retirement Program for Firefighters** **ONTP**

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

LD 632 proposed that the Department of Public Safety convene a task force for the purpose of studying the issue of a retirement program for firefighters.

LD 633 **An Act to Provide a Cost-of-living Adjustment to Minimum Wage Earners** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH CATHCART		

LD 633 proposes that the State's minimum hourly wage be increased each year by the amount of the percentage increase in the Consumer Price Index. This bill was carried over along with related bills, LD 568 and LD 688.

LD 659 **An Act to Authorize Members of the Maine State Retirement System to Combine Years of Service Under Different Plans** **ONTP**

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

LD 659 proposed to allow teachers who were employed as teacher aides and covered under a participating local district plan prior to July 1, 1989 to have creditable service earned as a member of the participating local district transferred to the member account established under the Maine State Retirement System and counted as service as a teacher. If the member's contribution rate as a teacher aide was lower than it would have been for the same period as a teacher, the member would have to make additional contributions as necessary to equalize the rate.

See LD 1027 dealing with the same subject which was enacted as Public Law 1995, c. 161.

LD 677 **An Act Regarding the Penalty for Failure to Allow a Terminated Employee to Review Certain Files** **PUBLIC 420**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	OTP-AM MAJ ONTP MIN	S-300

LD 677 proposed to make a number of changes to the law that requires an employer to permit an employee or former employee to review and copy that person's personnel file. It proposed to increase the amount of the civil forfeiture \$25

to \$50 per day, to remove the \$500 cap on the forfeiture and to make it payable to the employee. The bill also would allow an employee to bring an action in the District Court or the Superior Court to recover the civil forfeiture and seek equitable relief, including an injunction. The bill also proposed to authorize the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee.

Committee Amendment "A" (S-300) proposed to keep the civil forfeiture at \$25 per day, retain the \$500 total cap on forfeitures and remove the language in the bill making the forfeiture payable to the employee. This amendment limits the employee's civil remedy to equitable relief and limits the recovery of costs of suit and attorney's fees from the employer to suits in which the employee receives a judgment in the employee's favor.

Enacted law summary

Public Law 1997, chapter 420 makes a number of changes to the law that requires an employer to permit an employee or former employee to review and copy that person's personnel file. It allows an employee to bring an action in the District Court or the Superior Court to seek an injunction or other equitable relief the court considers appropriate. It authorize the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee if the judgment is in the employee's favor.

LD 683 **An Act to Increase the Penalties for Violations of State Wage and Hour Laws** **ONTP**

<u>Sponsor(s)</u> HATCH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 683 proposed to allow the Attorney General to seek the license revocation of any business that violates the minimum wage laws of this State or similar federal provisions, including signing a consent decree to that effect, two or more times in a 10-year period.

LD 688 **An Act to Increase Maine's Minimum Wage** **CARRIED OVER**

<u>Sponsor(s)</u> VOLENIK RAND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 688 proposes to raise the minimum wage to \$5.60 per hour effective January 1, 1998 and to \$6.05 per hour effective January 1, 1999. This bill was carried over along with LD 568 and LD 633.