

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
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LD 999 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System** **CARRIED OVER**

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

LD 999 This resolution proposes to amend the Maine Constitution to establish a contractual relationship between the State and public employees for pension benefits. That relationship may not be diminished or impaired. Pension benefits may be reduced only for public employees hired after the effective date of a law reducing benefits. LD 999 was carried over to the Second Regular Session of the 118th Legislature.

LD 1014 **An Act to Give State Employees the Option of Entering the Social Security System** **ONTP**

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

LD 1014 would have provided state employees and teachers hired after January 1, 1999 the option of participating in either the Maine State Retirement System or the United States Social Security System. If an employee chose to participate in social security, the employee could have made voluntary contributions to a defined contribution plan administered by the Department of Labor and the State would have been required to match the employee contributions, up to a maximum of 3% of the employee's pay.

This and several other bills, including LD 1370, proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and LD 1370 was carried over to the Second Session. See also LDs 1259 and 1494.

LD 1018 **An Act to Strengthen the Sanctions for Failure to Respond to an Employee's Request for Reason for Termination of Employment** **PUBLIC 356**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	OTP-AM MAJ ONTP MIN	S-236

LD 1018 proposed a number of changes to the law that requires an employer to give an employee written reasons for the termination of that employee's employment. It would have changed the penalty for a violation of the section from a forfeiture capped at \$500 to liquidated damages of \$50 per day payable to the employee. The bill also would have allowed an employee to bring an action in the District Court or the Superior Court to seek liquidated damages and 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-236) proposed to restore the \$50 forfeiture and \$500 total cap on forfeitures repealed by the original bill and would have eliminated the provision in the original bill regarding liquidated damages of \$50 per day payable to the employee. With this amendment, the employee's civil remedy would be limited to equitable relief. The amendment also proposed to limit the recovery of costs of suit and attorney's fees from the employer to those suits in which the employee receives a judgment in the employee's favor.

Enacted law summary

Public Law 1997, chapter 356 changes the law that requires an employer to give an employee written reasons for the termination of that employee's employment. 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 authorizes 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 1023 **An Act to Clarify the Definition of Total Incapacity for the Purpose of Workers' Compensation** **ONTP**

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

LD 1023 proposed to change the eligibility requirements for an injured worker to receive workers' compensation benefits for total disability. The bill proposed to disallow benefits if the employee is unable to work full time in the local labor market, regardless of opportunities in the State labor market. Current law requires the State labor market to be considered in determining eligibility for total incapacity benefits.

LD 1024 **An Act To Provide That Disability Benefits for Partial Incapacity Be Continued for the Full Duration of Disability** **ONTP**

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

LD 1024 proposed that workers' compensation benefits for partial disability be provided to a worker for the duration of the disability.