

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR

MAY 1998

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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](http://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:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

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

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

LD 999 proposed to amend the Constitution of Maine to establish a contractual relationship between the State and teachers and state employees for pension benefits that may not be diminished or impaired. Pension benefits could be reduced only for teachers or state employees hired after the effective date of a law diminishing benefits. See also LD 1962 which proposed statutory protection for public pension benefits.

**LD 1100**                      **An Act to Amend the Laws Relating to Vesting in the Maine State Retirement System**                      **DIED ON ADJOURNMENT**

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

LD 1100 which was carried over from the First Session, proposed to lower the vesting period from 10 to five years for state employees, teachers and Legislators.

**Committee Amendment "A" (H-1092)** replaced the bill and was enacted in the House but died on adjournment in the Senate. Effective January 1, 1999, the amendment proposed to lower from 10 to five years the amount of creditable service needed by state employees, teachers, judges and Legislators who are not in service at the time of retirement to be eligible to receive service retirement benefits at the applicable normal retirement age. This amendment also would have added an appropriation, an allocation and a fiscal note to the bill.

**LD 1192**                      **An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers**                      **VETO SUSTAINED**

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

LD 1192 was carried over from the First Session. The bill proposed an annual adjustment to workers' compensation benefits for both total and partial disability, so that benefits would keep pace with cost-of-living increases.

**Committee Amendment "A" (H-1005)** was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill. The amendment proposed to provide annual cost-of-living adjustments to workers' compensation benefits, based on the state average weekly wage, for employees who were injured on or after January

1, 1993, experienced total incapacity or partial incapacity that met certain statutory thresholds and had reached the sixth anniversary of the injury.

**Senate Amendment "A" to Committee Amendment "A" (S-639)** proposed to cap the annual cost-of-living adjustment at three percent per year.

**LD 1318**                      **An Act to Clarify the Application of Law in Workers' Compensation Cases**                      **PUBLIC 647**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM	H-907

LD 1318 was carried over from the First Session. The bill proposed to permit an employee to seek restoration of workers' compensation benefits if the Workers' Compensation Board determines that the effects of a compensable injury have ended and the employee obtains medical information that was not previously known to the parties or litigated before the board.

**Committee Amendment "A" (H-907)** was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill and change the title. It proposed to overrule the Maine Supreme Judicial Court's decisions in *Ray v. Carland Construction, Inc.* and *Pelletier v. Maine Medical Center*, 703 A.2d 648 (Me. 1997), in which the court ignored the legislative directive in Public Law 1991, chapter 885, Part A, section 10 prohibiting retroactive application of the Workers' Compensation Act of 1992. The amendment proposed to affirmatively state that if an employee suffers a work-related injury that aggravates a prior work-related injury, the portion of the resulting disability that is attributable to the prior injury is governed by the law in effect at the time of that injury.

***Enacted law summary***

Public Law 1997, chapter 647 overrules the Maine Supreme Judicial Court's decisions in *Ray v. Carland Construction, Inc.* and *Pelletier v. Maine Medical Center*, 703 A.2d 648 (Me. 1997), in which the court ignored the legislative directive in Public Law 1991, chapter 885, Part A, section 10 prohibiting retroactive application of the Workers' Compensation Act of 1992. The law states that if an employee suffers a work-related injury that aggravates a prior work-related injury, the portion of the resulting disability that is attributable to the prior injury is governed by the law in effect at the time of that injury.

**LD 1370**                      **Resolve, to Create Pension Portability for State and Local Government**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M DAGGETT	ONTP	

LD 1370 was carried over from the First Session and proposed to establish a commission to study pension portability for public sector employees.