

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

MEMBERS:

Sen. Mary R. Cathcart, Chair
Sen. Sharon Anglin Treat
Sen. S. Peter Mills

Rep. Pamela H. Hatch, Chair
Rep. Roland B. Samson
Rep. Brian Bolduc
Rep. Joseph E. Clark
Rep. Benjamin L. Rines, Jr.
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Rep. Robert E. Pendleton, Jr.
Rep. Russell P. Treadwell

Staff:

Heather H. Henderson, Legislative Analyst
David C. Elliott, Principal Analyst

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



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

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).

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.

Enacted law summary

Public Law 1997, chapter 773 amends the Municipal, State and Judicial Employees Labor Relations Acts by stating that, when a contract between a public employer and a bargaining agent expires, the grievance arbitration provisions of the expired contract that pertain to disciplinary action remain in effect until the parties agree upon a new contract. The law also amends the State Employees Labor Relations Act by eliminating from the definition of state employee a person employed by a person who has contracted to perform services for the Bureau of Revenue Services.

LD 2135

An Act to Establish a Uniform Special Retirement Plan for State Law Enforcement Personnel, Maine State Prison Personnel, Emergency Personnel, Other Employee Groups That, Prior to September 1, 1984, Had Special Retirement Plans and Certain Emergency Personnel and to Revise the Restoration to Service Requirements

**PUBLIC 769
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PINGREE	OTP-AM	H-1118

LD 2135 proposed to establish a uniform special retirement plan for state police officers, game wardens, Marine Patrol officers and employees of correctional facilities who have contact with prisoners. Full service retirement benefits would be available to employees in these positions after completing 20 years of service and reaching age 50.

Committee Amendment "A" (H-1118) replaced the bill. The amendment proposed to establish a uniform special retirement plan for marine patrol officers, game wardens, forest rangers, state police, Maine State Prison employees having direct prisoner contact, state airplane pilots, liquor inspectors and firefighters at the Bangor International Airport. With the exception of the firefighters, all these categories of employees were eligible before 1984 for some type of special retirement plan that provided for early retirement with full benefits based on a requirement for years of service that was less than the regular retirement plan for state employees and teachers. In 1984, the special plans for state police and prison guards were modified; and all the others were eliminated. The result has been different treatment for employees in different categories of employment and within the same category depending on date of hire.

The uniform special retirement plan, called the 1998 Special Plan, proposed in this amendment is patterned on the regular retirement plan for state employees and teachers. Under the special plan, the retirement benefit is computed based on the member's average final compensation and years of service and members qualify for a service retirement benefit at normal retirement age after 10 years of service as under the regular plan. The normal retirement age under the special plan is 55, as compared to 60 or 62 under the regular plan. Members of the special plan may retire before normal retirement age with a reduction in benefits as under the regular plan.

As proposed in the amendment beginning June 30, 1998, all the eligible employees would be covered by the special retirement plan provided in this amendment. Provisions are made for the incorporation into the new plan of members who have service under current plans. Members with service under both the special plan established in

this amendment and under other plans administered by the Maine State Retirement System will receive a split retirement benefit with the amount prorated based on service under each plan.

The amendment proposed to amend existing law governing transfer from special plans to the regular retirement plan to account for the existence of the 1998 Special Plan. The amendment also proposed to amend the restoration to service provisions of existing law to reduce the penalty for returning to covered service. Finally, the amendment proposed to add a new title, an emergency preamble and emergency clause and a fiscal note.

Enacted law summary

Public Law 1997, chapter 769 establishes a uniform special retirement plan for marine patrol officers, game wardens, forest rangers, state police, Maine State Prison employees having direct prisoner contact, state airplane pilots, liquor inspectors and firefighters at the Bangor International Airport.

The uniform special retirement plan is patterned on the regular retirement plan for state employees and teachers. Under the special plan, the retirement benefit is computed based on the member's average final compensation and years of service and members qualify for a service retirement benefit at normal retirement age after 10 years of service as under the regular plan. The normal retirement age under the special plan is 55, as compared to 60 or 62 under the regular plan. Members of the special plan may retire before normal retirement age with a reduction in benefits as under the regular plan.

After June 30, 1998, all the eligible employees will be covered by the special retirement plan. Provisions are made for the incorporation into the new plan of members who have service under current plans. Members with service under both the special plan established in this law and under other plans administered by the Maine State Retirement System will receive a split retirement benefit with the amount prorated based on service under each plan.

The law amends existing law governing transfer from special plans to the regular retirement plan to account for the existence of the 1998 Special Plan. The law also amends the restoration to service provisions of existing law to reduce the penalty for returning to covered service. Public Law 1997, chapter 769 was enacted as an emergency measure effective July 1, 1998, except that the section dealing with restoration to service is effective January 1, 1999.

LD 2146

An Act to Amend the Laws Concerning Participating Local Districts in the Maine State Retirement System

PUBLIC 709

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM MAJ OTP-AM MIN	H-1009

LD 2146 was a proposal by the Participating Local District Advisory Committee of the Maine State Retirement System. The bill proposed to establish guidelines and procedures under which employees of participating local districts that do not have Social Security section 218 agreements would be able to choose to be covered by a defined contribution or a deferred compensation plan instead of the retirement system's PLD plan, provided by the PLD offers such an alternative plan or plans.