

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR**

**JULY 1999**

***MEMBERS:***

*Sen. Neria R. Douglass, Chair*

*Sen. Lloyd P. LaFountain, III*

*Sen. S. Peter Mills*

*Rep. Pamela Henderson Hatch, Chair*

*Rep. Roland B. Samson*

*Rep. Zachary E. Matthews*

*Rep. Roger D. Frechette*

*Rep. Albion D. Goodwin*

*Rep. Christopher T. Muse*

*Rep. Russell P. Treadwell*

*Rep. Jay MacDougall*

*Rep. Adam Mack*

*Rep. Gerald M. Davis*

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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

*CARRIED OVER*.....Bill carried over to Second Regular Session  
*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  
*ENACTMENT FAILED*..... Bill failed to get vote required for enactment or final passage  
*NOT PROPERLY BEFORE THE BODY*..... Ruled out of order by the presiding officers; bill died  
*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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

**LD 159**

**An Act to Allow the Bureau of Labor Standards to Better Secure Payment of Unpaid Wages and Severance Pay for Workers**

**PUBLIC 28**

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

LD 159 proposed to create a process for the Bureau of Labor Standards to file a lien against the real or personal property of an employer who has failed to pay wages or severance pay due under state law.

This bill was submitted on behalf of the Department of Labor.

***Enacted law summary***

Public Law 1999, chapter 28 creates a process by which the Bureau of Labor Standards may file a lien against the real or personal property of an employer who has failed to pay wages or severance pay due under state law.

**LD 225**

**An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP      A ONTP     B OTP-AM   C	S-380   LAFOUNTAIN

LD 225 proposed to amend the workers' compensation law to provide a lump sum benefit in addition to weekly benefits when the employee's injury is an amputation of a body part. The amount of the lump sum benefit would be equal to the amount of the weekly benefit times the period of presumed incapacity set forth in statute, which ranges from 8 weeks to 800 weeks.

**Committee Amendment "A" (H-500)**, a minority report of the committee, proposed to make the change applicable only to injuries that occur on or after January 2, 2000 instead of injuries that occur on or after January 1, 1993. (not adopted)

**Senate Amendment "A" (S-380)** proposed to make the change applicable only to injuries that occur on or after January 2, 2000 instead of injuries that occur on or after January 1, 1993.

**LD 261**

**Resolve, to Direct the Department of Labor to Determine the Cost of Providing Toll-free Telephone Access to All Mainers to Apply for Unemployment Compensation Benefits**

**RESOLVE 25**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-259

LD 261 proposed to require the Department of Labor to set up and operate employment offices in the 16 counties of the State and to set up a toll-free telephone number for each office.

**Committee Amendment "A" (H-259)** proposed to replace the bill and to require the Department of Labor to investigate methods of providing toll-free telephone access to state offices that process claims for unemployment compensation and to report the methods and cost information to the Joint Standing Committee on Labor by November 15, 1999.

*Enacted law summary*

Resolve 1999, chapter 25 requires the Department of Labor to investigate methods of providing toll-free telephone access to state offices that process claims for unemployment compensation and to report the methods and cost information to the Joint Standing Committee on Labor by November 15, 1999.

**LD 267**

**An Act to Amend the Laws Relative to Vesting in the Maine State Retirement System and to Protect Retirement Benefits Once the Right to those Benefits has Attached**

**PUBLIC 489**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH KONTOS	OTP-AM	H-652 H-670 HATCH S-431 MICHAUD

LD 267 proposed lowering the vesting period for retirement benefits from 10 to 5 years for state employees, teachers and legislators.

**Committee Amendment "A" (H-652)** proposed to replace the bill while incorporating elements of the bill and Legislative Documents 14 and 566. The provisions proposed by the amendment would apply to eligibility for, qualification to receive, calculation of and certain other aspects concerning retirement benefits under the Maine State Retirement System for teachers and state employees.

The amendment proposed to establish a set of retirement benefits listed in the amendment as solemn contractual commitments of the State protected under the contract clauses of the Constitution of Maine and United States Constitution once the right to those benefits attaches. Under the amendment, the right to benefits would attach when a member has attained the amount of service credit needed for retirement and, where required, has met the related age requirements. The amendment proposed to reduce the minimum amount of service credit required to qualify for a retirement benefit from the current 10 years to 5 years for employees in service on the effective date, first employed after the effective date and, in certain circumstances, reemployed after the effective date of the bill. Former employees not in service on the effective date who do not later become reemployed would continue to be subject to the 10-year minimum creditable requirement for eligibility and for protection of benefits.

The amendment proposed to protect the following retirement benefits once at least 5 years of service credit have been accumulated:

1. The amount of service credit required for eligibility to receive a benefit upon qualifying to retire;
2. The normal retirement age of 60 or 62 years of age or the age established in a special retirement plan;
3. The amount of service credit required for eligibility to retire before normal retirement age and the related reduction in benefits;