

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1999

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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).

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 1616

An Act Regarding the Calculation of Maine State Retirement System Benefits

ONTP

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

LD 1616 proposed that the retirement system use a member's fourth highest year of compensation regardless of when it occurred as the base year in determining whether the 5% and 10% caps on earnings in the last 3 years have been exceeded rather than the year prior to the third highest year. The bill also proposed that in the case of a retiree who exercised a benefit payment option calling for a reduced benefit during the member's lifetime in return for continued payment of a benefit to a designated beneficiary after the retiree's death, the retirement benefit of the retiree must be recalculated if the beneficiary dies before the retiree. Retroactive to July 1, 1996, the retiree's benefit would be recalculated as if the option of full benefit payment had been selected.

LD 1622

An Act to Restore the Cost-of-living Adjustment for State Employees and Teachers Who Retire Before Normal Retirement Age

ONTP

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

LD 1622 proposed to reinstate the cost-of-living adjustment for retirement system members who retire before normal retirement age. Awarding of a COLA was delayed until a retiree reaches normal retirement age by the changes in the retirement plan enacted in 1993. See also LD's 380 and 847.

LD 1629

An Act to Ensure That Sales Free and Clear of Liens Through Bankruptcy Do Not Result in the Acquisition of a Predecessor Employer's Experience for the Purpose of Contribution Rate Determination

PUBLIC 191

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B POVICH	OTP-AM	S-139

LD 1629 proposed that an employer who purchases a business free and clear of liens through bankruptcy does not acquire the payroll record and experience rating records of that employer for purposes of determining contributions to the Unemployment Compensation Fund.

Committee Amendment "A" (S-139) proposed that a successor employer who takes over a business after bankruptcy does not acquire the contribution rate of the predecessor employer if the business was purchased free and clear of liens and the business contribution rate was higher than the state average. In such a case, the amendment proposed that the successor employer be assigned the state average contribution rate.

Enacted law summary

Public Law 1999, chapter 191 provides that a successor employer is assigned the state average contribution rate for purposes of determining the contribution to the Unemployment Compensation Fund if the successor employer purchases

the business after bankruptcy free and clear of liens and the contribution rate of the business was higher than the state average. Otherwise, a successor employer who takes over after bankruptcy obtains the payroll records and experience rating records of the predecessor employer.

LD 1630 **An Act to Fully Comply with the Requirements of the Older Workers Benefit Protection Act** **ONTP**

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

LD 1630 proposed to require the Maine State Retirement System to contact members of the system who in 1992 were eligible but failed to exercise their option to be covered by the system's disability plan as amended to meet the requirement of the federal Older Workers Benefits Protection Act or to remain covered by the previous disability plan. The bill would have required the Maine State Retirement System to get a written response from each member who previously failed to exercise the option and report to the Joint Standing Committee on Labor on the results of its activities.

LD 1648 **An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence** **ONTP**

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

LD 1648 proposed to allow an injured employee to sue the employer for damages if the injury was caused by the gross negligence or illegal act of the employer.

LD 1659 **Resolve, to Investigate State Purchasing of Goods and Services Produced under Conditions that Violate International Standards of Human Rights** **ONTP**

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

LD 1659 proposed to direct the Bureau of General Services within the Department of Administrative and Financial Services to review its purchasing practices to identify goods and services produced under conditions that violate international human rights, labor or environmental standards.