

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 2000

MEMBERS:

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Sen. Lloyd P. LaFountain III
Sen. S. Peter Mills*

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

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
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONT P..... 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 August 11, 2000.

David E. Boulter, Director
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Committee Amendment "A" (H-1034) proposed to replace the bill with a proposal to change the definition of “date of injury” under the occupational disease law from the date of incapacity to the date the employee knew or should have known of the nature and seriousness of the disease and the causal relationship between the employment and the disease.

LD 2076 **An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance** **ONTP**

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

LD 2076 proposed to move the program for monitoring, auditing and enforcement of the workers' compensation system from the Workers' Compensation Board to the Bureau of Insurance.

LD 2104 **An Act to Provide Equity for Unemployment Compensation** **ONTP**

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

LD 2104 proposed to eliminate the law reducing unemployment benefits for a person who receives a Social Security pension based on that person’s work history, to equalize treatment of such persons with persons who receive a Social Security pension based on their spouse’s work history.

LD 2124 **An Act to Change the State Retirement System from a Defined Benefit Plan to a Defined Contribution Plan** **DIED IN CONCURRENCE**

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

LD 2124, which was carried over from the First Regular Session of the 119th Legislature, proposed to establish a defined contribution retirement plan for state employees and teachers hired on or after July 1, 2000. Active employees on July 1, 2000 have a choice of remaining in the current defined benefit retirement plan or joining the new plan. Under the defined contribution plan, the employer matches the employee's contribution of 6% of salary. The employee exercises sole authority over selection and management of investment options meeting Internal Revenue Code, Section 401(k) requirements.

Committee Amendment "A" (H-1094) was the minority report of the committee. The amendment proposed to make participation in the defined contribution plan established in the bill optional for state employees and teachers, provide for a range of investment options for participants, provide for disability

and death benefits for participants, require continued payment of the existing unfunded liability of the retirement system by the state contribution on behalf of participants, clarify participant and employer contributions rates, prescribe the bidding process for selection of contract providers to manage the defined contribution plan and appropriate money to contract with providers to perform the calculation of the present value of current members' future retirement benefits necessary for the transition from the current defined benefit plan to the new defined contribution plan provided in the bill. The amendment also proposed to make several technical amendments to the bill to allow implementation by July 1, 2001.

The amendment proposed to add a fiscal note to the bill.

LD 2147 An Act to Ensure Just Cause Termination in Employment INDEF PP

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

LD 2147 proposed to prohibit a private employer from terminating an employee without “just cause,” to define “just cause” and to allow a person to seek remedies for wrongful termination through a civil action.

Committee Amendment "A" (H-1024) proposed to replace the bill. It proposed to require employers to inform each employee in writing of the circumstances under which the employee may be terminated. Unless a collective bargaining agreement, contract or employee handbook covered the employee, the amendment proposed that the employer notify the employee that he or she is an “at-will employee” and may be terminated for any cause not specifically prohibited by law, such as illegal discrimination. If an employee who did not receive the required notice was terminated or if the employee's termination was not consistent with the terms of the handbook, the employee would be allowed to bring suit in Superior Court for reinstatement and back pay.

LD 2177 An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits ONTP

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

LD 2177 was carried over from the First Regular Session of the 119th Legislature. It proposed to amend the provisions of the Maine State Retirement System to require that all benefits paid on the death of a participating member are paid to the surviving spouse of that member. The spouse of a member could waive this requirement by filing a waiver with the Board of Trustees of the Maine State Retirement System. If the participating member is not married, then the beneficiary designated by that member would receive the benefits. LD 1790 is a related bill.