MAINE STATE LEGISLATURE

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State Of Maine
120th Legislature

First Regular Session

Bill Summaries

Joint Standing Committee
on
Labor

August 2001

Members:
Sen. Betheda G. Edmonds, Chair
Sen. Karl W. Turner
Sen. W. Tom Sawyer, Jr.

Rep. George H. Bunker, Jr., Chair
Rep. Zachary E. Matthews
Rep. Deborah J. Hutton
Rep. Jacqueline R. Norton
Rep. William J. Smith
Rep. Frank J. Tarazewich
Rep. Russell P. Treadwell
Rep. Jay MacDougall
Rep. Gerald M. Davis
Rep. Philip Cressey, Jr.

120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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, <u>History and Final Disposition of Legislative Documents</u>, 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*
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*
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 21, 2001.*

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Labor

LD 1326   **An Act to Support Continued Operation of the Workers'**   **ONTP**
                                Compensation Board

Sponsor(s)	Committee Report	Amendments Adopted
MATTHEWS	ONTP	
EDMONDS		

LD 1326 proposed to create automatic adjustments to the cap on the Workers' Compensation Board assessment. The cap on the Board's "All Other" budget would increase by an amount equivalent to the inflation factor set by the Revenue Forecasting Committee and the Board's "Personal Services" budget would increase by an amount equal to increases in employee salaries and benefits.

LD 1332   **An Act to Improve Retirement Benefits for Marine Patrol Officers**   **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ETNIER	ONTP	
GOLDTHWAIT		

LD 1332 proposed to remove from the 1998 Special Plan and establish a new special retirement plan for marine patrol officers that provides full retirement benefits after 25 years of service with no minimum retirement age requirement. The special plan would apply to all newly hired marine patrol officers and would be retroactive for current officers.

See similar bills, LDs 1436, 1468 and 1584.

The majority report of the Labor Committee on LD 1584 combined this bill with that LD providing the same special retirement plan for Game Wardens. LD 1584 was folded into the Part II budget bill at the end of the session. The provisions are found in Public Law 2001, chapter 439, Part HHHH. Funding for the special retirement benefits is dependent on the availability of funds in the unappropriated surplus of the General Fund at the end of the current and the next fiscal years.

LD 1335   **An Act to Clarify the Employment Status of Owner-operators in the**   **PUBLIC 274**
                                Trucking Industry

Sponsor(s)	Committee Report	Amendments Adopted
TREADWELL	OTP-AM	H-363
SAWYER		

LD 1335 proposed to exempt from unemployment compensation laws the services of an owner-operator of a truck or truck tractor when the truck or tractor is leased to a motor carrier.

Committee Amendment "A" (H-363) proposed to add that an owner-operator is exempt from state unemployment laws only if that owner-operator is not subject to federal unemployment taxes.

Enacted law summary

Public Law 2001, chapter 274 exempts from the unemployment compensation laws services provided by an owner-operator of a truck or truck tractor leased to a motor carrier if the services are not subject to federal unemployment taxes.

LD 1394   An Act to Prohibit the Use of State Funds by Health Care Providers to Influence Union Organizing   **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
MATTHEWS	OTP-AM MAJ	H-567
	ONTP MIN	

LD 1394 proposed to prohibit health care providers and practitioners from spending state funds or state-administered funds to influence union organizing efforts of their employees.

Committee Amendment "A" (H-567) proposed to replace the bill. It proposed to expand current law prohibiting health care institutions from using Medicaid or Medicare funds to influence unionization to include use of any type of state funds or state-administered funds. It proposed to require the Department of Human Services to make an initial decision regarding the expenditure and to allow submission of the department's decision to an arbitrator before the decision is appealed to court. It proposed to enact a presumption that disallowed expenditures were made if an institution requires attendance at a meeting regarding unionization during the work time of employees whose salaries are paid in whole or in part by state funds. The amount of the disallowed expenditure for the meeting would be a proportion of the cost that is the same as the proportion of state funds to all revenue for the institution.

LD 1395   An Act to Improve Working Conditions for Migrant Workers   **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MATTHEWS	ONTP	

LD 1395 was a concept draft that proposed to create the position of a migrant worker advocate or ombudsman in the Department of Labor.