

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*August 2001*

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**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, 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*  
*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*  
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## Joint Standing Committee on Labor

**LD 1399**

**An Act to Require Reporting of Activities under the Workforce Investment Act of 1998**

**PUBLIC 366**

|                               |  |                                   |  |                                    |
|-------------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u><br>MATTHEWS |  | <u>Committee Report</u><br>OTP-AM |  | <u>Amendments Adopted</u><br>H-634 |
|-------------------------------|--|-----------------------------------|--|------------------------------------|

LD 1399 proposed to require that at least 1/3 of all federal funds received by the State under the federal Workforce Investment Act of 1998 be used for education and skills training. It further proposed to require that at least 15% of funds be used for support services such as child care and transportation for individuals enrolled in an education or training program. It also proposed to require that the Maine Department of Labor annually provide the joint standing committee of the Legislature having jurisdiction over labor matters with certain information related to expenditure of funds and program outcomes under the federal Workforce Investment Act of 1998.

**Committee Amendment "A" (H-634)** proposed to replace the bill. It proposed to delete the provision requiring that a certain portion of federal money be used for training and support services. It also proposed to revise the reporting requirement to provide better information in a more feasible format. The amendment proposed to require the Department of Labor to submit an interim report to the Joint Standing Committee on Labor by January 15, 2002.

### *Enacted law summary*

Public Law 2001, chapter 366 requires the Maine Department of Labor to annually provide the joint standing committee of the Legislature having jurisdiction over labor matters with certain information related to expenditure of funds and program outcomes under the federal Workforce Investment Act of 1998. It requires the Department of Labor to submit an interim report to the Joint Standing Committee on Labor by January 15, 2002.

**LD 1413**

**An Act to Transfer Administration of Certain Reimbursement Functions of the Workers' Compensation Employment Rehabilitation Fund to a Voluntary Coalition of Parties in Interest**

**PUBLIC 448**

|                            |  |                                   |  |                                    |
|----------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u><br>MILLS |  | <u>Committee Report</u><br>OTP-AM |  | <u>Amendments Adopted</u><br>S-309 |
|----------------------------|--|-----------------------------------|--|------------------------------------|

LD 1413 proposed to transfer administration of a portion of the Employment Rehabilitation Fund from the Workers' Compensation Board to a 5-member Supplemental Benefits Oversight Committee. The Oversight Committee would administer the function of reimbursing insurers and self-insurers for payments they made to injured employees as a result of (1) the law extending the duration of benefit payments for partial incapacity, section 213, subsection 3 of the Workers' Compensation Act of 1992; and (2) the law that entitles persons with a disability of less than 15% but more than the threshold amount (currently 11.8%) to benefits for the duration of the disability, pursuant to section 213, subsection 4 of the Act. The Fund is funded by an assessment on insurers and self-insurers.

**Committee Amendment "A" (S-309)** proposed to divide the Employment Rehabilitation Fund into 2 separate funds, change the membership of the 5-person board, clarify several matters relating to the board and its members,

## Joint Standing Committee on Labor

specify how the reimbursement process will operate, and clarify the assessment process. The amendment also proposed to require the Oversight Committee to submit a report to the Joint Standing Committee on Labor by February 1, 2002 discussing implementation of the law and making any necessary recommendations for improvements. The Joint Standing Committee on Labor would be authorized to report out legislation to the Second Regular Session in response to the report.

### *Enacted law summary*

Public Law 2001, chapter 448 transfers responsibility for reimbursing insurers and self-insurers for benefit extension payments from the Employment Rehabilitation Fund to a new fund called the "Supplemental Benefits Fund." The Supplemental Benefits Fund is funded by an assessment on insurers and self-insurers and is administered by the Supplemental Benefits Oversight Committee, a 5-member board appointed by the Governor. The Committee may delegate day-to-day administration of the Fund, and committee powers regarding reimbursement requests and assessments, to a service agent. The Committee, the Fund and the service agent do not participate in Workers' Compensation Board proceedings that determine the level or duration of benefits payable to an employee. The Committee and the service agent determine only whether insurers and self-insurers are eligible for reimbursement from the Fund for payments they made as a result of (1) the increase in the duration limit on partial incapacity benefits for injuries between January 1, 1993 and December 31, 1997; and (2) the lowering of the threshold for lifetime benefits from 15% to 11.8% for injuries between January 1, 1993 and December 31, 1999. Payments for injuries after those dates are not reimbursable from the Fund.

**LD 1436**

**An Act to Provide Equity in the Retirement Plans for State Law Enforcement Officers and Prison Guards**

**ONTP**

Sponsor(s)  
DUNLAP

Committee Report  
ONTP

Amendments Adopted

LD 1436 proposed to establish a special retirement plan for game wardens, marine patrol officers, prison guards and certain other correctional employees. As proposed, the plan would offer retirement with full benefits after 25 years of service with no minimum retirement age requirement. The plan would apply to all newly hired employees in the named categories and would be retroactive to the date of hire for game wardens, marine patrol officers and Maine State Prison guards. For prison guards at other correctional facilities and for certain other state correctional employees, it would be retroactive to January 1, 2000 when those employees were first eligible for special retirement benefits under the 1998 special retirement plan. The bill also proposed to remove the named categories of employees from the 1998 special retirement plan.

See similar bills, LDs 1332, 1468 and 1584.