

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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Maine State Legislature
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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).

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

Enacted law summary

Public Law 2001, chapter 239 clarifies several of the transition provisions applicable to employees of the Governor Baxter School for the Deaf, which became an independent state agency pursuant to Public Law 1999, chapter 775. It provides that all employees are eligible to participate in the state employee health plan and the regular state employee retirement plan, whenever hired, and that employees hired after the status of the school changed have the same rights and benefits as those hired before, except for seniority rights in executive branch agencies. It provides that state employee collective bargaining agreements do not apply to employees at the school, but that agreements between the school and the bargaining units in effect before the change in status of the school are evidence of the status quo at the school. It also provides that the retirement and health benefits may only be changed by a collective bargaining agreement or otherwise as consistent with applicable law, and that any removal from the state employee retirement plan may be made only after consultation with the Executive Director of the Maine State Retirement System.

Public Law 2001, chapter 239 was enacted as an emergency measure effective May 22, 2001.

LD 1629 An Act to Increase the State Share of Health Insurance for Certain Retired Teachers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH SAXL		

LD 1629 proposed to increase the share of retired teachers' health insurance paid by the State from the current amount of 30% to an amount up to 50%, based on the household income of the retired teacher.

See related LDs 211 (referred to the Appropriations Committee) and 705 which died on the Appropriations Table but the substance of which was incorporated into the Part II Budget (Public Law 2001, chapter 439, Part QQ).

LD 1629 has been carried over to the Second Regular Session of the 120th so that the sponsor may attempt to identify the best method to provide assistance with their health insurance to retired teachers who are in need.

LD 1631 An Act to Provide Exemptions from the 5% cap on Earnable Compensation for Retirement Purposes ONTP

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

LD 1631 proposed to exclude pay increases resulting from the following for purposes of determining earnable compensation under the Maine State Retirement System law:

1. Collectively bargained agreements pursuant to Title 26, chapters 9-A, 9-B and 12;

Joint Standing Committee on Labor

2. Job promotions;
3. Position reclassifications; and
4. Position reallocations.

See also LD 1197 which proposed to increase the 3 year cap on earnable compensation.

LD 1642 **An Act to Provide for the Continuous Coverage of Disability Benefits** **ONTP**

<u>Sponsor(s)</u> MATTHEWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1642 proposed to require that partially incapacitated employees receive workers' compensation benefits for the duration of the incapacity, rather than having a limit on the number of months of payments.

LD 1697 **An Act to Enhance the Safety and Health of Students in Public School Facilities** **PUBLIC 397**

<u>Sponsor(s)</u> GERZOFSKY EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-626
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LD 1697 proposed to include students in the definition of "employee" under the occupational safety and health laws to allow the Department of Labor, Bureau of Labor Standards to consider the safety and health of students when conducting enforcement inspections in public sector educational facilities.

Committee Amendment "A" (H-626) proposed to replace the bill. It proposed to require the Board of Occupational Safety and Health to adopt rules to regulate the use of and exposure to equipment or materials and the exposure to conditions in public educational facilities that minors would be prohibited from using or being exposed to in a work environment.

Enacted law summary

Public Law 2001, chapter 397 requires the Board of Occupational Safety and Health to adopt major substantive rules to regulate the use of and exposure to equipment or materials and the exposure to conditions in public educational facilities that minors would be prohibited from using or being exposed to in a work environment. Chapter 397 allows the Department of Labor to provide technical assistance to school boards and other governing boards of educational institutions to assist them in complying with the rules.