

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*May 2002*

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**120th Legislature**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

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 arranged alphabetically by committee name 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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

**Patrick T. Norton, Interim Director**  
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## Joint Standing Committee on Labor

LD 1629

### An Act to Increase the State Share of Health Insurance for Certain Retired Teachers

ONTP

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

LD 1629 was carried over from the First Regular Session. It proposed to increase the minimum portion of retired teachers' health insurance paid by the State from the then current amount of 30% to 35% beginning January 1, 2002 for retired teachers with a household income of 180% or more of the federal poverty level and further increase the State contribution in 5% increments up to 50% for retired teachers with a household income of less than 60% of the federal poverty level.

An amendment was added and enacted as part of the Budget Bill (Public Law 2001, chapter 559, Part N) that provides for the State-paid share of teacher retiree health insurance premiums to be 35% from July 1, 2002 until March 31, 2003 and 40% thereafter.

**LD 1746**

### An Act Regarding Workers' Compensation Benefits for Firefighters, Rescue Workers and Safety Workers Who Contract Certain Communicable Diseases

PUBLIC 663

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-931

LD 1746 is a concept draft that proposed to provide a rebuttable presumption of eligibility for workers' compensation benefits for hepatitis or hepatic-related disease for firefighters and emergency medical services personnel, except for those who worked with more than one firefighting entity.

**Committee Amendment "A" (H-931)** proposed to replace the bill. It proposed to provide that a firefighter, emergency medical services person, law enforcement officer or corrections officer who contracts hepatitis, meningococcal meningitis or tuberculosis is presumed to have contracted the disease in the course of employment if certain criteria are met. First, the person must have run a high risk of exposure in the course of that work. Second, the person must sign an affidavit stating that, to the best of the person's knowledge, there are not other likely sources of the disease. Third, a person must have received immunization against the diseases if the employer requires it and the immunization is medically recognized, unless the worker's physician determines that the immunization would pose a risk to the worker. Finally, except for persons employed or providing service prior to the effective date of the bill, the person must have had a negative test for hepatitis or tuberculosis prior to diagnosis.

#### *Enacted law summary*

Public Law 2001, chapter 663 provides that a firefighter, emergency medical services person, law enforcement officer or corrections officer who contracts hepatitis, meningococcal meningitis or tuberculosis is presumed under the workers' compensation law to have contracted the disease in the course of employment if certain criteria are met. First, the person must have run a high risk of exposure in the course of that work. Second, the person must sign an affidavit stating that, to the best of the person's knowledge, there are not other likely sources of the disease. Third, a person must have received immunization against the diseases if the employer requires it and the

## Joint Standing Committee on Labor

immunization is medically recognized, unless the worker's physician determines that the immunization would pose a risk to the worker. Finally, except for persons employed or providing service prior to the effective date of the bill, the person must have had a negative test for hepatitis or tuberculosis prior to diagnosis.

**LD 1884**

**An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System**

**PUBLIC 545**

Sponsor(s)  
YOUNGBLOOD  
FISHER

Committee Report  
OTP-AM

Amendments Adopted  
S-445

LD 1884 proposed to allow former members of the Maine State Retirement System who opted out of the defined benefit state retirement plan into the defined contribution plan offered by the Maine Technical College System through Teachers Insurance and Annuity Association/College Retirement Equities Fund (TIAA-CREF) in 1999 and 2000 to switch back to the Maine State Retirement System within a 6-month period following enactment of this bill.

**Committee Amendment "A" (S-445)** proposed that:

1. Employees of the Maine Technical College System who are former members electing to rejoin the Maine State Retirement System must repay the amount of their contributions plus interest;
2. Employees of the Maine Technical College System who were not formerly members of the Maine State Retirement System and who elected to join the defined contribution plan when they became employees of the Maine Technical College System may now elect to join the Maine State Retirement System;
3. Both employees of the Maine Technical College System who are former members of the Maine State Retirement System and those who are not former members of the Maine State Retirement System and who elect to join or rejoin the Maine State Retirement System under this bill may purchase service credit under the Maine State Retirement System for the period of time they participated in the defined contribution plan offered by the Maine Technical College System if they pay to the Maine State Retirement System the full actuarial cost of the benefit associated with that service; and
4. Repayment of contributions to purchase credit for prior time may be started immediately, rather than waiting for 2 years as currently required by law.

Also see Public Law 2001, chapter 710, Section 7 for technical corrections to the public law resulting from this bill.

### *Enacted law summary*

Public Law 2001, chapter 545 allows Maine Technical College System employees who are former members of the Maine State Retirement System who opted out of the membership in the retirement system in order to participate in the defined contribution plan offered by the MTCS through the Teachers Insurance and Annuity Association/College Retirement Equities Fund in 1999 and 2000 to switch back to membership in the retirement system within a 6-month period provided they repay the amount of their withdrawn contributions plus interest. Chapter 545 also provides that employees of the Maine Technical College System who were not former members of the Maine State Retirement System and who elected to join the defined contribution plan when they became