

# 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 1720**                      **Resolve, to Create the Commission to Study the Administrative Structure for Providing Services to the Blind and Visually Impaired**                      **DIED ON ADJOURNMENT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| O'GARA            | OTP-AM      MAJ         | S-283                     |
| MAYO              | ONTP      MIN           |                           |

LD 1720 proposed to establish the Advisory Commission for Persons Who are Blind or Visually Impaired to provide advice to the Commissioner of Labor regarding education and rehabilitation, vocational and quality-of-life programs and services for persons who are blind or visually impaired.

**Committee Amendment "A" (S-283)** proposed to replace the bill. It proposed to change the bill to a resolve creating the Commission to Study the Administrative Structure for Providing Services to the Blind and Visually Impaired. The Commission would be charged with examining the advantages and disadvantages of the current administrative structure and alternatives to the current structure. The Commission would also make a recommendation on the most effective administrative structure for providing services to the blind and visually impaired in Maine.

**LD 1746**                      **An Act to Amend the Workers' Compensation Laws to Provide for a Rebuttable Presumption of Eligibility for Benefits for Hepatitis or Hepatic Disease for Firefighters and Emergency Medical Services Personnel**                      **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DUPLESSIE         |                         |                           |

LD 1746 is a concept draft that proposed to provide a rebuttable presumption of eligibility for workers' compensation benefits for hepatitis or hepatic-related diseases for firefighters and emergency medical services personnel who have been active members of a municipal fire department or a volunteer firefighters' association for at least 2 years prior to the onset of the disease.

LD 1746 has been carried over to the Second Regular Session.

**LD 1753**                      **An Act Regarding the Treatment of American Indian Tribes Under the Federal Unemployment Tax Act**                      **PUBLIC 381**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| EDMONDS<br>MATTHEWS | OTP-AM                  | S-259                     |

The "Consolidated Appropriations Act, 2001," P.L. 106-554, amended federal law to allow Indian tribes to exercise the same election provided to state and local governments and nonprofit organizations with regard to the Federal

## Joint Standing Committee on Labor

Unemployment Tax Act (FUTA). Under the Consolidated Appropriations Act, services performed in the employ of American Indian tribes are no longer subject to FUTA and must now be covered under state unemployment laws. Currently, Maine law covers these services for unemployment insurance purposes. However, Indian tribes are only permitted to meet their unemployment insurance obligations by payment of a contribution to the Unemployment Compensation Fund. LD 1753 proposed to offer Indian tribes the choice of paying those obligations as direct reimbursement employers as part of the Federal-State Unemployment Compensation Program, similar to municipalities.

**Committee Amendment "A" (S-259)** proposed to clarify that the law granting the option to become a direct reimbursement employer for unemployment compensation purposes applies to Maine Indian tribes to the extent permitted by federal law. It also proposed to clarify that benefit payments to unemployed individuals are not withheld if the employing Indian tribe fails to make unemployment contributions or reimbursement payments in lieu of contributions.

### *Enacted law summary*

Public Law 2001, chapter 381 provides to Maine Indian tribes the same option that state and local governments have under federal law to provide unemployment compensation benefits to their employees as direct reimbursement employers rather than by regularly paying contributions to the state Unemployment Compensation Fund.

**LD 1754**

**An Act to Amend the Laws of the Maine State Retirement System**

**PUBLIC 181  
EMERGENCY**

Sponsor(s)  
EDMONDS  
TREADWELL

Committee Report  
OTP-AM

Amendments Adopted  
S-113

LD 1754 proposed to make several technical and clarifying changes in the laws governing the Maine State Retirement System.

**Committee Amendment "A" (S-113)** proposed to delete the sections from the bill that establish the Maine State Retirement System as a single retirement plan for financial reporting and administration purposes and to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 181 makes the following changes in the laws governing the Maine State Retirement System.

1. It replaces the current 10-day period for swearing in a newly appointed or reappointed trustee of the Maine Legislative Retirement System, Maine Judicial Retirement System and the Maine State Retirement System with the 30-day period generally provided by law for the swearing of similar appointees.
2. It establishes the Consumer Price Index for All Urban Consumers as the benchmark for the cost-of-living adjustment available under the statutes governing the Maine State Retirement System.