

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
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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:

<i>CARRIED OVER</i>	<i>Bill Carried Over to Second Regular Session</i>
<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 & 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&S XXX</i>	<i>Chapter # of enacted Private & Special Law</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 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

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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.

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3. It establishes standards for the determination by the Board of Trustees of the Maine State Retirement System and the system's actuary that a study of plan experience is necessary for the actuarial soundness or prudent administration of the system's plans, replacing the current fixed 3-year study requirement for the state employee and teacher plan and establishing a standard for studies of plan experience under the system's other plans.
4. It allows service credit in order to qualify for a service retirement benefit under a special plan to a state employee, teacher member or participating local district member interrupting employment for any service in the Armed Forces, removing the current limitation to service during a federally recognized period of conflict as defined by federal law. The federal Uniformed Services Employment and Reemployment Rights Act now mandates that all service in the Armed Forces be recognized under these circumstances by the Maine State Retirement System.
5. It articulates the longstanding policy of the Maine State Retirement System to allow state police officers covered under the post-1984 state police special plan service credit for purchased service in the Armed Forces.

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6. It establishes the conditions under which a participating local district that has withdrawn from the Maine State Retirement System may satisfy its liabilities for benefits in order to receive back from the retirement system district assets remaining after liabilities are satisfied and authorizes the retirement system to pay over such assets.

Public Law 2001, chapter 181 was enacted as an emergency measure effective May 16, 2001.

LD 1763 **An Act to Transfer Funds from the Department of Labor for a Full-time Hearing Officer for the Workers' Compensation Board** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN MICHAUD ME	ONTP	

LD 1763 proposed to transfer federal funds for one Hearing Officer position in the Department of Labor to the Workers' Compensation Board in fiscal years 2001-02 and 2002-03.

LD 1789 **An Act Regarding the Length of Service for Retirement Benefits for Certain State Employees** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS MICHAUD MH	OTP-AM MAJ ONTP MIN	H-615

Part A of this bill proposed to open the 1998 Special Retirement Plan to security officers employed by Capitol Security in the Department of Public Safety and special investigators in the Attorney General's office. Under that existing plan a member qualifies for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service in a covered capacity. A reduced retirement benefit is available before age 55 if the member has completed at least 25 years of creditable service.

Part B proposed to increase the cap on increases in earnable compensation for purposes of determining average final compensation under the Maine State Retirement System law from 10% over the 3 highest years of earnings to 15% over the 3 highest years of earnings. The annual cap of 5% would remain in place.

Committee Amendment "A" (H-615) proposed to provide retirement benefits under the 1998 special plan for motor vehicle investigators employed by the Department of the Secretary of State, Bureau of Motor Vehicles. The amendment also proposed to eliminate the increase in the 3-year cap on earnable compensation contained in Part B of the bill. Finally, it proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

The bill was adopted in the House but died on the Appropriations Table.