

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Labor*

May 2002

Staff:

*Deborah C. Friedman, Senior Analyst
David C. Elliott, Principal Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

120th Legislature
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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).

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 & 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>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
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Labor

LD 1946

An Act to Safeguard Volunteer Firefighters' Regular Employment

P & S 70

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON KILKELLY	OTP-AM MAJ ONTP MIN	H-947 S-536 O'GARA

LD 1946 proposed to prohibit an employer from firing or laying off an employee who is absent from work to perform volunteer fire-fighting duties.

Committee Amendment "B" (H-947) proposed to replace the bill. It proposed to protect a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency such as fires, hazardous or toxic waste spills or other situations to which the fire department is called to respond. The amendment proposed to allow written agreements between employers and local fire officials to supersede the terms of the proposed law. The amendment also proposed to require the joint standing committee of the Legislature having jurisdiction over labor matters to review the law in 2005.

Senate Amendment "A" to Committee Amendment "B" (S-536) proposed to replace the committee amendment and require the Maine Fire Protection Services Commission to examine the issue of providing protection to a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency.

Enacted law summary

Private and Special Law 2001, chapter 70 requires the Maine Fire Protection Services Commission to examine the issue of providing protection to a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency. The Commission is required to report its findings and recommendations on the issue to the legislative committees on labor and criminal justice by December 31, 2002. Those committees are authorized to report out legislation in response to the Commission report.

LD 1960

An Act to Promote Safety of Families through the Workplace

PUBLIC 685

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL EDMONDS	OTP-AM	H-841 S-555 GOLDTHWAIT

LD 1960 proposed to amend the law providing leave from work for employees who are the victims of violence. The amendment proposed to require an employer to grant an employee leave from work if a child of that employee is a victim of violence, assault, sexual assault, stalking or any other act that would support an order for protection.

Committee Amendment "A" (H-841) proposed to replace the bill. It proposed to allow an employee to take leave if the employee's spouse, child or parent is the victim of violence. The amendment also proposed to add language to define the family relationships and to allow the employer to require confirmation of the family relationship

Joint Standing Committee on Labor

Senate Amendment "A" to Committee Amendment "A" (S-555) proposed to remove the appropriation section and allow the Department to update the Regulation of Employment poster to reflect the change in law when it next reprints the poster.

Enacted law summary

Public Law 2001, chapter 685 amends the law allowing victims of violence to take a leave from work to attend to legal and medical needs arising from the violence. Chapter 685 allows a person to take leave to attend to the needs of a child, parent or spouse who is the victim of violence as well as being able to take a leave if the employee himself or herself is the victim.

LD 1970

**An Act to Clarify the Status of Retirees Who Return to Service
Under the Maine State Retirement System**

PUBLIC 557

Sponsor(s)
NORTON
EDMONDS

Committee Report
OTP-AM

Amendments Adopted
H-874

LD 1970 proposed that a retired teacher who returns to work under Public Law 2001, chapter 442 be eligible upon ceasing work to return to coverage under the group health insurance plan in effect for active teachers in the school unit from which the teacher originally retired, including state payment of a percentage of the premium cost under the Maine Revised Statutes, Title 20-A, section 13451.

Committee Amendment "A" (H-874) proposed that a retired teacher who returns to work as a teacher under Public Law 2001, chapter 442 may participate in the group health insurance plan for active teachers in the school administrative unit in which that teacher is working. The amendment would not affect the ability of a retired teacher, if it is acceptable to the teacher and the new employer, to remain in the group health insurance plan under which that teacher retired pursuant to the Maine Revised Statutes, Title 20-A, section 13451, including state payment of a percentage of the cost of that teacher's health insurance premium. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

Public Law 2001, chapter 559 (the Budget Bill), Part QQ, sections 1-3 and chapter 667 (the Errors Bill), Part E contain related provisions that affect the ability of a retired teacher who returns to work for the Legislature to qualify for State-paid health and dental insurance. The intent of the related provisions of those 2 bills was to qualify such an employee for eligibility to participate in the group health and dental insurance programs.

Enacted law summary

Public Law 2001, chapter 557 clarifies that a retired teacher who returns to work under Public Law 2001, chapter 442 is eligible upon ceasing work to return to coverage under the group health insurance plan in effect for active teachers in the school unit from which the teacher originally retired, including state payment of a percentage of the premium cost under the Maine Revised Statutes, Title 20-A, section 13451. Chapter 557 further clarifies that a retired teacher who returns to work as a teacher under the provision of chapter 442, which was enacted in 2001, is eligible to participate in the group health insurance plan for active teachers in the school administrative unit in which that teacher is working. The amendment does not affect the ability of a retired teacher, if it is acceptable to the teacher and the new employer, to remain in the group health insurance plan under which that teacher retired