

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
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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 2197

An Act Concerning Disability Retirement Benefits under the Maine State Retirement System

PUBLIC 701

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2197 proposed to extend the rollback of disability retirement benefit reductions based on increased earnings capacity by the Maine State Retirement System under Public Law 2001, chapter 443 from January 1, 2003 to February 15, 2004.

Enacted law summary

Public Law 2001, chapter 701 extends the rollback of disability retirement benefit reductions based on increased earnings capacity by the Maine State Retirement System under Public Law 2001, chapter 443 from January 1, 2003 to February 15, 2004.

LD 2199

An Act to Address the Unfunded Liability of the Maine State Retirement System and the Equity of Retirement Benefits for State Employees and Teachers

PUBLIC 707

<u>Sponsor(s)</u> MICHAUD MH SAXL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-521 S-618 GOLDTHWAIT
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LD 2199 proposed to:

1. Require the State to retire the unfunded liabilities of the Maine State Retirement System at a specific rate that is no less than the rate paid during fiscal year 2001-02; and
2. Establish the Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers to study the impact of the changes made to the law that treat state employees and teachers who did not have 10 years of creditable service on July 1, 1993 less favorably than those with 10 years of creditable service before July 1, 1993.

Committee Amendment "A" (S-521) proposed to clarify that the floor established in the bill for the rate of retirement of the unfunded liabilities of the Maine State Retirement System applies whether the unfunded liabilities are retired within the time period required by the Constitution of Maine or some shorter period of time. The amendment also proposed to clarify the membership of the task force established in section 2 of the bill. It proposed to remove the executive director and a member of the Board of Trustees of the Maine State Retirement System from the task force and provide for 2 of the 3 legislators to be appointed by the Speaker of the House. The executive director or a designee would be made an adjunct nonvoting member of the task force. It proposed to change the process for convening the first meeting. The amendment also proposed to limit the task force to 4 meetings and provide for staffing services by the Office of Policy and Legal Analysis. Non legislative members could be reimbursed for expenses only. The amendment proposed to change the reporting date of the task force to November 6th and the joint standing committee of the Legislature having jurisdiction over retirement matters would

Joint Standing Committee on Labor

be authorized to report out a bill to the First Regular Session of the 121st Legislature. This amendment proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-618) proposed that the portion of the employer contribution may not be less than the amount paid during the immediately preceding fiscal year. If the unfunded liability amount would be less than the amount paid in the immediately preceding year, the amendment proposed that the Board of Trustees of the Maine State Retirement System be directed to recommend a methodology to adjust plan funding in order to realize payment of the required amount. If no such methodology can be identified, then a General Fund appropriation in the amount of the difference between the General Fund portions of the unfunded liability payment in the 2 years in question must be sought. This amendment also proposed to remove the emergency preamble and clause.

Enacted law summary

Public Law 2001, chapter 707 requires the State to retire the unfunded liabilities of the Maine State Retirement System at a specific rate that is not less than the amount paid during the immediately preceding fiscal year. If the unfunded liability payment which is actuarially determined would be less than the amount paid in the immediately preceding year, the Board of Trustees of the Maine State Retirement System is directed to recommend a methodology to adjust plan funding in order to realize payment of the required amount; if no such methodology can be identified, then a General Fund appropriation in the amount of the difference between the General Fund portions of the unfunded liability payment in the 2 years in question must be sought.

Chapter 707 also establishes the Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers to study the impact of the changes made to the law that treat state employees and teachers who did not have 10 years of creditable service on July 1, 1993 less favorably than those with 10 years of creditable service before July 1, 1993. The Task Force is to report to the Labor Committee which is authorized to introduce legislation to the First Regular Session of the 121st Legislature.

LD 2202	An Act to Ensure that 25% of Workers' Compensation Cases with Permanent Impairment Remain Eligible for Duration-of-disability Benefits in Accordance With the Workers' Compensation Act	PUBLIC 712
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY TREADWELL	OTP-AM MAJ OTP-AM MIN	S-623 KILKELLY

LD 2202 proposed to amend a provision in section 213 of the Workers' Compensation Act of 1992 that determines whether a person with permanent impairment from a work injury is entitled to receive benefits for the duration of his or her incapacity to work, or is subject to a durational limit, which is currently 7 years. A person is entitled to benefits for the duration of incapacity if his or her permanent impairment, expressed as a percentage of impairment to the whole body, exceeds a threshold percentage established by the Workers Compensation Board. The law requires the Board to set the threshold at a percentage level so that 25% of cases with permanent impairment fall above the threshold and 75% fall below.

The bill proposed to set clear standards for the Board to use in determining whether impairment resulting from prior injuries or conditions are taken into account in determining an individual's permanent impairment percentage and in setting the threshold.