MAINE STATE LEGISLATURE

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State Of Maine 121st Legislature

First Regular Session

Bill Summaries

Joint Standing Committee on Labor

July 2003

Members:

Sen. Betheda G. Edmonds, Chair Sen. Steven S. Stanley Sen. Kenneth Blais

> Rep. William J. Smith, Chair Rep. Deborah J. Hutton Rep. Paul R. Hatch Rep. John L. Patrick Rep. Thomas R. Watson Rep. Russell P. Treadwell Rep. Philip Cressey, Jr. Rep. Robert W. Nutting Rep. Theodore H. Heidrich Rep. Troy D. Jackson

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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, <u>History and Final Disposition of Legislative Documents</u>, 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:

CARRIED OVER PURSUANT TO HP 1212	Bills carried over to the 2 nd 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 CONCURRENCEOne b	ody 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 failed to get majority voteBill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY	
INDEF PP	Bill Indefinitely Postponed
ONTP	Ought Not To Pass report accepted
OTP-ND	
P&S XXX	
PASSED	Joint Order passed in both bodies
PUBLIC XXX	Chapter # of enacted Public Law
RESOLVE XXX	Chapter # of finally passed Resolve
UNSIGNED	
VETO SUSTAINED	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

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Committee Amendment "A" (H-54) proposed to limit the number of copies of a personnel file that must be provided at the employer's expense in each calendar year. It proposed to require that the employer provide a copy of the entire personnel file when the employee or former employee requests it, at no cost to the employee. Upon a second request in the same calendar year, the employer would be required to provide at the employer's expense only a copy of material added to the personnel file between the time the entire file was copied and the time of the request. An employee or former employee may make other requests in the same calendar year, but the employee must pay the costs of copying any additional material requested.

This amendment also proposed to delete the requirement in the bill that a copy of a personnel file be provided within 5 days of a request. Current law requiring that the copy be provided within 10 days would remain unchanged.

Enacted Law Summary

Current law gives employees in the private sector the right to review their personnel files and to obtain a copy of the file, at the employee's expense. Public Law 2003, chapter 58 amends the law to require that, in each calendar year, the employer is required to provide a copy of the entire personnel file when the employee or former employee requests it, at no cost to the employee. Upon a second request in the same calendar year, the employer would be required to provide at the employer's expense only a copy of material added to the personnel file between the time the entire file was copied and the time of the request. An employee or former employee may make other requests in the same calendar year, but the employee must pay the costs of copying any additional material requested.

LD 414 An Act To Require the State To Fully Pay for Health Insurance for Maine's Retired Educators

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	ONTP	
MAYO		

LD 414 proposed to increase the State's contribution for health insurance for retired educators to 100% beginning July 1, 2004.

LD 457 An Act To Supplement Benefits for State Employees and Teachers
Whose Pensions Are Subject to Reductions Enacted in 1993

Sponsor(s) Committee Report Amendments Adopted
MILLS P ONTP

LD 457 was a concept draft that proposed to create a new defined contribution plan as a supplemental benefit for state employees and teachers who are affected by the retirement cliff and who are not in special retirement plans beginning January 1, 2004.

Contributions to the plan would be calculated at the rate of 2% of an employee's salary or wages earned after December 31, 2000. The amount would be deducted from the employee's existing required contribution to the Maine State Retirement System, but the employee's defined benefits under the MSRS would not be diminished. Amounts contributed to the plan would be managed by MSRS for the benefit of each employee in a non-lapsing

ONTP

ONTP

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fund. Each employee's share of the fund would be tax sheltered and portable as provided in the United States Internal Revenue Code, Section 457 and other provisions of the Internal Revenue Code.

LD 476 An Act To Protect Maine Families When Workplace Fatalities
Occur

PUBLIC 437

Sponsor(s)	Committee Report		Amendments Adopted	
DUPLESSIE	OTP-AM	MAJ	H-96	
EDMONDS	ONTP	MIN		

LD 476 proposed to require an employer to continue to provide health insurance coverage to the family of an employee who dies as a result of a workplace injury. The employer would be required to pay 100% of the cost of the coverage for up to 6 months after the employee's death.

Committee Amendment "A" (H-96) proposed to replace the bill. It proposed to remove the limitation on including the value of certain benefits when determining an employee's average weekly wage for purposes of calculating a workers' compensation benefit. The limitation would not apply in the event of an employee's death so that more of the value of such benefits may be used in determining the death benefit due to survivors.

Enacted Law Summary

Public Law 2003, chapter 437 amends current law relating to the inclusion of the value of discontinued benefits in calculating an employee's average weekly wages, earnings or salary for purposes of workers' compensation. Currently, that value is not included in the calculation to the extent that the inclusion causes the wage to exceed 2/3 of the state average weekly wage at the time of injury. This law removes the 2/3 limitation in the event of an employee's death so that more of the value of such benefits may be used in determining the death benefit due to survivors.

LD 510 An Act To Reimburse Employees for Attorney's Fees and Costs
When Forced To Pursue Petitions for Payment of Medical Services

ONTP

Sponsor(s)	Committee Report		Amendments Adopted
WATSON	OTP-AM	MAJ	
	ONTP	MIN	

LD 510 proposed to require a workers' compensation hearing officer to order an employer to pay reasonable attorney's fees and costs incurred by an employee if the hearing officer finds that the employer's refusal to pay medical benefits was not based on any reasonable grounds.

Committee Amendment "A" (H-107) proposed to clarify that attorneys are not prohibited from accepting fees for representing a claimant seeking payment of medical expenses when the employer has unreasonably contested the payment of those expenses. It proposed that the maximum fee based on benefits accrued and weekly benefit amounts does not apply to fees collected for recovery of medical benefits. This amendment was not adopted.