

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*

Staff:

Deborah C. Friedman, Senior Analyst

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

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, 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 PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd 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>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 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.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Labor

LD 992

**An Act To Clarify the Purchase of Military Time Served under the
Maine State Retirement System**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	ONTP MAJ	
ANDREWS	OTP-AM MIN	

LD 992 proposed to allow certain members of the Maine State Retirement System to purchase past military time and to count the purchased service credit toward meeting the requirement of 10 years of service credit in order to have retirement benefits calculated under a more favorable formula than for people who do not meet the 10-year requirement. This amendment proposed to allow a person who was not eligible to purchase military time before July 1, 1993 to also count that time toward qualifying for the more favorable benefit formula, but only if the person pays the actuarial cost of obtaining the right to the more favorable benefit as well as paying the cost of the service credits.

LD 1009

An Act Concerning Retirement Benefits for State Employees

PUBLIC 486

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-441
DAGGETT	ONTP MIN	S-298 CATHCART

LD 1009 proposed to amend the definition of “average final compensation” in the Maine State Retirement System laws to provide that days taken without pay as a result of legislative or Executive action during the 2002-03 fiscal year would be counted as if they were paid days, for purposes of determining a member’s average final compensation for that fiscal year.

Committee Amendment "A" (H-441) proposed to fund the additional cost of including compensation that would have been paid for certain days during fiscal year 2002-03 in a member’s average final compensation. It proposed to provide for an immediate appropriation of \$76,081 to represent the employer contribution and to require employees who gain a higher retirement benefit as a result of the bill to pay the amount that would have been paid as an employee contribution on compensation for those days, plus interest, when they retire.

Senate Amendment "A" to Committee Amendment "A" (S-298) proposed to allow state employees who took days off without pay during the 2002-03 fiscal year to have the compensation that would have been paid on those days included in their average final compensation, provided they elect to do so and to pay the employee portion of the cost by contributing to the Maine State Retirement System the employee contribution that would have been paid on that compensation, plus interest. This amendment proposed a special retirement cost assessment to be applied to all departments and agencies from July 1, 2003 to September 30, 2003 to fund the employer's share of the costs associated with the bill.

Enacted Law Summary

Public Law 2003, chapter 486 allows Maine State Retirement System retirees to have their average final compensation calculated as if they did not take days off without pay during the 2002-2003 fiscal year, provided they elect at the time of retirement to make a retroactive payment of the contribution that would have been made on that compensation, plus interest. This applies to persons who took days off without pay pursuant to legislative

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action, Executive Order, or authorization of the State Court Administrator, and who use 2002 or 2003 as one of their high-three years of compensation.

LD 1013 **An Act To Address Maine's Direct Care Worker Shortage** **ONTP**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1013 proposed to require health care facilities and health care practitioners that receive state funding for the provision of health care to patients to pay to their employees a livable wage beginning January 1, 2004. The bill also proposed to require the State Planning Office to calculate a livable wage based on the basic needs budget that the SPO annually calculates.

LD 1038 **Resolve, Directing the Maine State Retirement System To Study the Windfall Elimination Provision of the Social Security Program** **ONTP**

<u>Sponsor(s)</u> BARSTOW HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1038 proposed to direct the Maine State Retirement System to study the windfall elimination provision under the federal social security program and to suggest recommendations for the Maine Congressional Delegation to change that provision.

LD 1093 **An Act to Conform State Workforce Development Laws to the Federal Workforce Investment Act of 1998** **PUBLIC 114**

<u>Sponsor(s)</u> EDMONDS SMITH W	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1093 proposed to update state workforce development laws to reflect the changes in federal law from the Job Training Partnership Act to the Workforce Investment Act of 1998.

Enacted Law Summary

Public Law 2003, chapter 114 updates state workforce development laws to reflect the changes in federal law from the Job Training Partnership Act to the Workforce Investment Act of 1998. It deletes obsolete language, updates references and defines terms.