

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, 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 1107

**An Act To Clarify Eligibility in the Maine State Retirement System
Life Insurance Program**

PUBLIC 485

<u>Sponsor(s)</u> DUPLESSIE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-363
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LD 1107 was a concept draft that would clarify eligibility for life insurance for a person who is retired from a position covered by a plan within the Maine State Retirement System and, after retiring, becomes employed in a position covered by a different plan within the Maine State Retirement System.

Committee Amendment "A" (H-363) proposed to replace the bill. It proposed that a person who has life insurance coverage as a retiree may purchase insurance as an active employee, provided that person pays the cost of the active employee coverage.

Enacted Law Summary

Public Law 2003, chapter 485 allows a member of the Maine State Retirement System who has life insurance coverage as a retiree, but who becomes reemployed in a position that qualifies for life insurance, to purchase active employee coverage at the person's own expense.

LD 1117

An Act Regarding Wrongful Discharge

PUBLIC 442

<u>Sponsor(s)</u> HUTTON BRYANT	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-265 H-527 HUTTON
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LD 1117 proposed to define a discharge of an employee as wrongful if it was in violation of the employer's written personnel policy.

Committee Amendment "A" (H-265), the majority report of the committee, proposed to replace the bill. It proposed that an employer that provides a written personnel policy to its employees must provide certain information regarding the employees' at-will status if the employer wishes to treat the employees as at-will employees. If the employer provides a written personnel policy to its employees but does not include the proper notice, the employer must comply with the procedures and standards set forth in the personnel policy for employment termination.

Committee Amendment "B" (H-266), which was not adopted, was the minority report of the committee and proposed to replace the bill. It proposed that the notice of at-will status that is currently required in the Department of Labor's Regulation of Employment Poster must be printed in a bold type-face that is larger than in the current poster printing.

House Amendment "A" to Committee Amendment "A" (H-527) proposed to replace the Committee Amendment with language specifying that the notice of at-will status that is currently required in the Department of Labor's Regulation of Employment Poster must be printed in a bold type face that is larger than in the current poster printing, beginning with the next reprinting of the poster.

Joint Standing Committee on Labor

Enacted Law Summary

Public Law 2003, chapter 442 requires the Department of Labor to print the notice that Maine employees are generally “at-will” employees, contained in the Regulation of Employment poster, in a bold typeface that is larger than in the current poster printing.

LD 1120 **An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts** **PUBLIC 225**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP MAJ ONTP MIN	

LD 1120 proposed to strike the provision of law that excludes broadcasting industry sales representatives from the law specifying that certain noncompetition agreements in the broadcasting industry are presumed unreasonable.

Enacted Law Summary

Under current law, a provision in a broadcasting industry employment contract is presumed unreasonable if it prevents a person from working for a competing employer in a particular geographic area for a certain amount of time after the contract is completed or the person is let go from employment. Current law excludes contracts with sales persons from this presumption. Public Law 2003, chapter 225 removes that exclusion.

LD 1131 **An Act to Require that Certain Employees Be Paid on a Weekly Basis** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY HATCH PH	OTP-AM MAJ ONTP MIN	

LD 1131 proposed to reenact laws that were repealed in 1999 relating to payment of wages, including a provision requiring that certain employees be paid on a weekly basis.

Committee Amendment "A" (H-193) was the majority report and proposed to replace the bill. Rather than reenacting the weekly pay law that contained outdated language, the amendment proposed to amend current law to provide that minimum wage workers must be paid weekly or more often. The amendment also proposed to delete all proposed changes in the bill except the change in timing for payment of minimum wage workers. The committee amendment was not adopted.