

# 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:**

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Sen. Steven S. Stanley  
Sen. Kenneth Blais*

*Rep. William J. Smith, Chair  
Rep. Deborah J. Hutton  
Rep. Paul R. Hatch  
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**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](http://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 2<sup>nd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 1501**

**An Act To Amend the Laws Relating to the Maine State Retirement System**

**PUBLIC 387**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP-AM	S-179

LD 1501, which was a Maine State Retirement System bill, proposed to make several changes in the laws of the retirement system. The bill proposed to amend the definition of Consumer Price Index as applied to judges' retirement benefits, change the length of time a member may earn creditable service while on active military duty, extend rehabilitation services to more disability retirees and make those services optional, make withdrawal of membership contributions optional in certain circumstances, and make changes in the way the Participating Local District Advisory Committee conducts its business.

**Committee Amendment "A" (S-179)** proposed to clarify the changes in rehabilitation services made in the bill. Under this amendment, rehabilitation services for state employee, teacher and participating local district disability retirees under the Maine Revised Statutes, Title 5, chapter 421, subchapter 5, Article 3 and Article 3-A disability plans would be optional and must be agreed to by both the Executive Director of the Maine State Retirement System and the retiree.

The amendment also proposed to make changes to the recently enacted law allowing state employees, teachers and participating local district members of the retirement system to retire and return to covered employment without a limitation on earnings. First, to comply with federal age discrimination law, the amendment proposed to provide that retirees who take advantage of the new state law and exercise their choice to retire without a cap on their earnings while retired but also without the ability to accrue additional service credit for retirement purposes do so willingly and knowingly. Second, the amendment proposed to direct the retirement system to adopt rules regarding termination of employment to comply with federal tax law and regulations. Third, the amendment proposed to provide the retirement system the ability to collect the necessary information from employers to determine the impact of the new law on the costs of the plan.

***Enacted Law Summary***

Public Law 2003, chapter 387 makes several changes in the laws of the Maine State Retirement System. Chapter 387 does the following:

1. Amends the definition of Consumer Price Index that applies to judges for cost of living adjustments and other purposes to make it consistent with the definition that applies to all other Maine State Retirement System members.
2. Brings state law into compliance with federal law with respect to the period of time that a member may continue to earn creditable service while on a leave of absence in order to serve in the military.
3. Extends rehabilitation services to additional disability retirement recipients and makes participation in rehabilitation services designed to assist their return to substantially gainful activity optional—an activity that must be mutually agreed to by the Executive Director of the Maine State Retirement System and the retiree. The law also repeals the discontinuance of disability retirement benefits to recipients who decline to participate in the rehabilitation services program.

## *Joint Standing Committee on Labor*

4. Makes the withdrawal of contributions from the Maine State Retirement System optional when a member who is covered by the Social Security Act elects to cease contributing to Maine State Retirement System and when a member who is covered by an employer-provided retirement plan elects to cease contributing to the Maine State Retirement System.
5. Changes the attendance and voting requirements under which the Participating Local District Advisory Committee transacts business and adds the retirement system staff to those permitted to make rule amendment proposals regarding the consolidated retirement plan for local district employees to the Board of Trustees of the Maine State Retirement System. The Participating Local District Advisory Committee was previously the sole entity permitted to make such proposals.
6. Makes changes to the recently enacted law (Public Law 2001, chapter 442) allowing state employees, teachers and participating local district members of the retirement system to retire and return to covered employment without a limitation on earnings. First, to comply with federal age discrimination law, chapter 387 provides that retirees who take advantage of the new state law and exercise their choice to retire without a cap on their earnings while retired but also without the ability to accrue additional service credit for retirement purposes do so willingly and knowingly. Second, it directs the retirement system to adopt rules regarding termination of employment to comply with federal tax law and regulations. Third, the law provides the retirement system the ability to collect the necessary information from employers to determine the impact of the new law on the costs of the plan.

**LD 1532**

**An Act To Raise the Threshold under the Fair Minimum Wage  
Rate on Construction Projects Law**

**PUBLIC 197**

Sponsor(s)  
PATRICK

Committee Report  
OTP

Amendments Adopted

LD 1532 proposed to increase the threshold for requiring a wage and benefit determination on a state construction project from \$10,000 to \$50,000.

### ***Enacted Law Summary***

Public Law 2003, chapter 197 increases the threshold for requiring a wage and benefit determination on a state construction project from \$10,000 to \$50,000.

**LD 1535**

**An Act To Authorize Certain Former Members of the Maine State  
Retirement System To Rejoin the Maine State Retirement System**

**PUBLIC 324  
EMERGENCY**

Sponsor(s)  
GAGNON

Committee Report  
OTP-AM

Amendments Adopted  
S-152

Public Law 2001, chapter 442 removed the earning cap for retirees under the Maine State Retirement System who returned to covered service and, at the same time, precluded those retirees from being restored to membership in the Maine State Retirement System. LD 1535 proposed to allow a recipient of retirement benefits under the Maine State Retirement System at the time the law was changed who had returned to covered service to rejoin the system in certain circumstances, which would permit the member potentially to increase retirement benefits.