

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*May 2004*

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*Maine State Legislature*



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

*121st Maine Legislature  
Second Regular Session and  
Second Special 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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 &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 Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

*Joint Standing Committee on Labor*

**LD 1792**                      **Resolve, Directing the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse To Study the Prevalence of Drug and Substance Abuse**                      **RESOLVE 106**

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

LD 1792 proposed to direct the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse to conduct a study to determine the extent of drug, alcohol and substance abuse among the adult population of Maine and report back to the Legislature no later than November 3, 2004.

***Enacted Law Summary***

Resolves 2003, chapter 106 directs the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse to conduct a study to determine the extent of drug, alcohol and substance abuse among the adult population of this State and report back to the Legislature no later than November 3, 2004.

**LD 1810**                      **An Act To Amend the Laws Concerning Optional Membership for Participating Local Districts in the Maine State Retirement System**                      **PUBLIC 630**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS	OTP-AM	H-790 H-818 SMITH W

LD 1810 proposed to amend the laws concerning optional membership for participating local districts in the Maine State Retirement System to parallel changes made for state employees in the system in 2003.

**Committee Amendment "A" (H-790)** proposed to replace the bill with language that more accurately achieves the purpose of the original bill. It proposed to make the law regarding purchase of service credit for optional members the same for participating local district optional members as it is for optional members in the other retirement programs administered by the Maine State Retirement System.

**House Amendment "A" to Committee Amendment "A" (H-818)** proposed to make a technical correction and to reformat the subsection to improve readability.

***Enacted Law Summary***

Public Law 2003, chapter 630 amends the laws concerning the purchase of service credit by employees whose membership in the Maine State Retirement System (MSRS) is optional ("optional employees"), to remove limitations on such purchases. It gives optional employees of participating local districts (PLDs) the same rights as other optional employees to purchase credit for the time during which they elected not to join the MSRS. The PLD

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employee will be required to pay the full actuarial cost of the additional service credit, except in specified circumstances.

Public Law 2003, chapter 630 also clarifies that optional employees who are teachers, state employees or PLD employees who withdraw from the MSRS may withdraw their accumulated contributions, regardless of whether they have terminated employment. If those members later rejoin the Maine State Retirement System, they may repurchase service credit by repaying their accumulated contributions plus interest. Chapter 630 deletes the current 2-year waiting period before persons may repay withdrawn contributions.

<b>LD 1814</b>	<b>An Act Concerning Disability Retirement Benefits under the Maine State Retirement System</b>	<b>PUBLIC 675</b>
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<u>Sponsor(s)</u> DUDLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-710
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LD 1814 proposed to amend the laws regarding disability retirement benefits under the Maine State Retirement System to state that disability retirement benefits cease when a person performs work resulting in annual earnings that exceed \$20,000 or 80% of the recipient's average final compensation at retirement, whichever is greater. Under current law, disability retirement benefits are discontinued after a certain number of years if the person receiving the benefit has the ability to engage in work that would result in earnings of the 80% figure, regardless of whether the person is actually performing such work.

**Committee Amendment "A" (H-710)** proposed to change the language to preserve the original method of making the determination, i.e., basing it on the ability to perform work, not the actual performance. The amendment proposed to clarify the language in the bill that changes the amount of earnings that indicate the ability to engage in substantially gainful activity. Under the bill, as amended, that amount would be \$20,000 or 80% of the person's average final compensation at retirement, whichever is greater, adjusted for increases in the cost-of-living. Finally, the amendment proposed to remove the retroactivity provision.

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

Public Law 2003, chapter 675 amends the law regarding disability retirement benefits for the state and teacher retirement plan and the participating local district plan of the Maine State Retirement System. It provides that, after receipt of benefits for 5 years, disability retirement benefits are discontinued if the person has the ability to perform work resulting in the greater of \$20,000 per year or 80% of the person's average final compensation, adjusted for increases in the cost of living. Currently, such benefits are discontinued when the person is able to earn the 80% amount, even if that amount is less than \$20,000.

<b>LD 1815</b>	<b>An Act To Establish the Maine Jobs, Trade and Democracy Act</b>	<b>PUBLIC 699</b>
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<u>Sponsor(s)</u> COLWELL EDMONDS	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-783 H-801 SMITH W
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