

# 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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Sen. Stephen S. Stanley  
Sen. Kenneth Blais*

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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:

- 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 CONCURRENCE..... One body 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 imposing local mandate failed to get 2/3 vote
- NOT PROPERLY BEFORE THE BODY ..... Ruled out of order by the presiding officers; bill died
- INDEF PP ..... Bill Indefinitely Postponed
- ONTP..... Ought Not To Pass report accepted
- OTP-ND ..... Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- PUBLIC XXX..... Chapter # of enacted Public Law
- RESOLVE XXX..... Chapter # of finally passed Resolve
- UNSIGNED..... Bill held by Governor
- VETO SUSTAINED ..... Legislature failed to override Governor's Veto

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*  
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## Joint Standing Committee on Labor

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.

### LD 1814                      **An Act Concerning Disability Retirement Benefits under the Maine State Retirement System**                      **PUBLIC 675**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM	H-710

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.

### **LD 1815                      An Act To Establish the Maine Jobs, Trade and Democracy Act                      PUBLIC 699**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM      MAJ	H-783
EDMONDS	OTP-AM      MIN	H-801    SMITH W

## *Joint Standing Committee on Labor*

LD 1815 proposed to create the Citizen Trade Policy Commission to assess the legal and economic impact of international trade agreements, hold public hearings throughout the State, interact with elected leaders in Maine and other states and make recommendations to the Legislature, the congressional delegation and United States trade negotiators. The Commission would be a permanent 17-member commission including legislators, the Attorney General and representatives of the public. LD 1815 proposed that the commission conduct public hearings in at least 5 different locations in its first year and 3 in each subsequent year.

**Committee Amendment "A" (H-783)** proposed to change 3 of the members of the Citizen Trade Policy Commission and add 5 ex officio nonvoting members to the commission. It proposed to allow members to appoint alternate members to serve on a temporary basis. The amendment proposed to reduce the number of required public hearings to 2 each year. It proposed to specify cochairs of the commission. It also proposed to change compensation so that Legislators receive per diem and expenses for attendance at meetings and other members receive reimbursement of expenses if they are not otherwise reimbursed for those costs. The amendment proposed to allow the commission to seek and accept outside funding to assist the commission in carrying out its assigned duties.

**House Amendment "A" (H-801)** proposed to remove the emergency preamble and emergency clause from the bill.

**Committee Amendment "B" (H-784)**, the minority report of the committee, proposed to change the membership of the Citizen Trade Policy Commission. It proposed to reduce the number of Legislators from 6 to 4 and reduce the number of other members from 11 to 7. It proposed to allow members to appoint alternate members to serve on a temporary basis. The amendment proposed to reduce the number of required public hearings to 2 each year instead of 5 in the first year and 3 in subsequent years. It also proposed to change compensation so that Legislators receive per diem and expenses for attendance at meetings, and other members receive reimbursement of expenses if they are not otherwise reimbursed for those costs. (Not adopted)

### *Enacted Law Summary*

Public Law 2003, chapter 699 creates the Citizen Trade Policy Commission, a 22-member commission to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environments, to receive public comment on impacts and to make policy recommendations regarding such impacts.