

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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Members:

*Sen. Betheda G. Edmonds, Chair
Sen. Stephen S. Stanley
Sen. Kenneth Blais*

*Rep. William J. Smith, Chair
Rep. Deborah J. Hutton
Rep. Paul R. Hatch
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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).

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
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Labor

LD 1817

An Act To Notify MaineCare of Workers' Compensation Settlements

ONTP

<u>Sponsor(s)</u> BRENNAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1817 proposed to add claims for reimbursement of medical expenses paid by Medicaid to the list of workers' compensation claims that are assignable and subject to attachment.

LD 1836

An Act To Amend the Laws Governing Purchase of Military Time Served under the Maine State Retirement System

PUBLIC 693

<u>Sponsor(s)</u> DUPREY G STANLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-839
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LD 1836 proposed to allow a member of the Maine State Retirement System who was awarded an Armed Forces Expeditionary Medal to purchase service credit by paying the contribution rate in effect during the member's period of service in the United States Armed Forces, rather than by paying the full actuarial cost of the service credit. LD 1836 also proposed to replace a reference to "federally recognized period of conflict," which was contained in a section of law that was repealed.

Committee Amendment "A" (H-839) proposed to replace the bill. Under current law, a Maine State Retirement System member can purchase service credit for military service by paying the contributions that would have been paid at that time, plus interest (a subsidized rate) if the person served during a federally recognized period of conflict. The term "federally recognized period of conflict" was contained in the Maine Revised Statutes, Title 37-B and served as the definition for purposes of the retirement laws. In 1999, that definition was repealed in Title 37-B. This amendment proposed to enact a definition similar to that from Title 37-B as amended immediately prior to its repeal.

The amendment also proposed to allow recipients of the Armed Forces Expeditionary Medal and several other campaign and expeditionary medals and awards to purchase service credit at the subsidized rate, but only if an appropriation is made to the retirement system to cover the subsidy. The retirement system would report annually to the Legislature on the amounts needed to subsidize purchases by members who have applied and been determined eligible during the prior calendar year to make such a purchase.

The amendment proposed to clarify the intent of legislation enacted last session regarding the maximum amount of service credit that may be granted for periods of service in the armed forces.

Enacted Law Summary

Public Law 2003, chapter 693 clarifies and amends the law setting forth the cost of purchasing retirement service credit for periods of military service prior to a person becoming a member of the Maine State Retirement System.

Joint Standing Committee on Labor

It expands the list of persons who can purchase service credit at a subsidized rate (lower than the actuarial cost) to include persons who received certain types of combat awards, regardless of whether the person served during a “period of federally recognized conflict,” such as the Vietnam War or the Gulf War. Such award recipients may purchase service credit under the new provision only if funds have been appropriated to the MSRS to cover the cost of the subsidy. The law requires the MSRS to report annually to the Legislature on the funds needed to subsidize purchases for persons who applied under the new provision in the prior calendar year.

LD 1904 **Resolve, To Increase Eligibility for Consumer-directed Personal Care Assistance Services To Promote Independence for Maine Citizens** **INDEF PP**

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

LD 1904 proposed to direct the Department of Labor, Bureau of Rehabilitation Services to adopt rules by July 1, 2004 to increase eligibility for and access to the consumer-directed personal care assistance services program. It proposed to require the rules to provide for services at 3 levels, encourage the use of consumer-directed programs through incentives and marketing, allow for surrogate decision-makers, increase wages for direct-care workers and provide access to Dirigo Health Insurance and provide for 3rd-party review of consumer evaluations, as well as requiring the rules to include other matters.

Committee Amendment "A" (S-465) proposed to direct the Department of Labor to make rules only for the state-funded part of the consumer-directed personal care assistance program, not for the Medicaid-funded part of the program.

The Supplemental Budget bill, LD 1919, PL 2003, chapter 673 moved the Medicaid-funded portions of the CD-PAS program to the Department of Human Services and incorporated many of the provisions of LD 1904.

LD 1909 **An Act To Promote Decision Making Within the Workers' Compensation Board** **PUBLIC 608 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-458
TREADWELL		

LD 1909 proposed to change the Workers' Compensation Board from an 8-member Board evenly divided between representatives of labor and management, to a 7-member Board. The bill proposed that the Board consist of 3 representatives of labor; 3 representatives of management; and the executive director of the board. The executive director would be appointed by the Governor subject to confirmation by the Legislature and would serve at the pleasure of the Governor. The executive director also would serve as chair of the board.

Committee Amendment "A" (S-458) proposed to add a fiscal note to the bill.