

# 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

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 3<sup>rd</sup>-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.

## Joint Standing Committee on Labor

### Enacted Law Summary

Public Law 2003, chapter 608 amends the structure of the Workers' Compensation Board. Under current law, the board has 8 members – 4 representing labor and 4 representing management. PL 2003, chapter 608 provides for a 7-member board – 3 representing labor, 3 representing management and the Executive Director of the Board. The Executive Director of the Board will be appointed by the Governor, subject to confirmation by the Legislature and will serve at the pleasure of the Governor. Under current law, the Workers' Compensation Board appoints the Executive Director. The law provides for transition from the current board structure to the new structure. This law was enacted as an emergency measure effective April 8, 2004.

**LD 1919**                      **An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005 (Parts Q, UU, DDD and WW)**                      **PUBLIC 673**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN CATHCART	See AFA Comm. Summary	See AFA Comm. Summary

LD 1919, a Supplemental Appropriations bill for fiscal years 2003-04 and 2004-05, proposed the following Parts relating to labor and retirement:

1. Part Q relates to the Occupational Safety Loan program, through which loans and grants may be made to employers to finance safety improvements. Funding for the program was repealed in prior appropriations bills; LD 1919 proposed to repeal the language establishing the program and to specify that funds resulting from repayment of outstanding loans must be deposited in the Safety Education and Training Fund at the Department of Labor. It also proposed to provide for payment of administrative costs for the remaining outstanding loans.
2. Parts UU and DDDD relate to health insurance for retired state employees and others.

Part UU proposed that retiree health insurance for state employees and teachers be administered on a cost-reimbursement basis of funding and accounting, rather than a pre-funded actuarial basis, beginning June 30, 2005. It proposed that the excess equity in the fund resulting from efforts to actuarially fund retiree health insurance be distributed back to the General Fund and other funds that made contributions resulting in that excess equity.

Part DDDD proposed that the State makes a solemn contractual commitment to certain state and local employees that (1) eligibility criteria for retired employees and their family members to participate in the state's group health plan would be no more restrictive during retirement than at the time the employee vested; (2) the State contribution toward the cost of retiree health insurance, as a percentage of total cost, would be no less than the percentage offered at the time of vesting; and (3) the group health plan offered by the State to retirees will be substantially similar to that offered at the same time to active employees. The provision does not propose to require that health insurance be offered, but if health insurance is offered to active employees, a substantially similar package must be offered to retirees.