

# 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:

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

### 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.

## *Joint Standing Committee on Labor*

3. Part WW proposed to transfer the 2 Medicaid-funded programs for consumer-directed personal care assistance (CD-PAS) from the Department of Labor to the Department of Human Services. The state-funded CD-PAS program remains with the Department of Labor. Part WW proposed transition provisions to govern the transfer and proposed to require both departments to adopt program rules including specified provisions such as a provision for independent assessment and reassessment of consumer eligibility and service needs by an entity selected by the respective department. It also proposed that the departments jointly review their CD-PAS programs and report to the legislative oversight committees on their review and recommendations. It proposed to specify that the report must include recommendations regarding the use of surrogates to manage personal care assistants. It also proposed that the existing department group reviewing recruitment and retention of long-term care workers include representatives of CD-PAS service providers and consumers and address issues related to consumer-directed personal care services.

Parts Q, UU, DDDD and WW were enacted as part of Public Law 2003, chapter 673.

**LD 1964**

**An Act To Protect Forest Products, Loggers and Haulers**

**PUBLIC 674**

<u>Sponsor(s)</u> SMITH W MARTIN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1964 was enacted without reference to a committee. It proposed to amend the recently-enacted law requiring a state panel, upon request, to set compensation rates for harvesters and haulers of forest products on certain lands (LD 1318, PL 2003, chapter 670). That law as enacted was limited to landowners that own or control more than 400,000 acres in a labor market area. LD 1964 proposed to add an additional limitation: the law would apply only if the land owned by that landowner constitutes more than 30% of the total land area in that labor market area. The bill also proposed to clarify that the term "person" as defined in Title 26, chapter 18 is meant to include all forms of business organization.

### ***Enacted law summary***

Public Law 2003, chapter 674 limits the applicability of the rate-setting process for forest products harvesting and hauling services created by Public Law 2003, chapter 670. (See LD 1318, PL 2003, chapter 670). The law will apply to forest landowners who own or control more than 400,000 acres in a labor market area only if the acreage owned by that landowner constitutes more than 30% of the total land area in that labor market area. It also clarifies that the term "person" in the rate-setting law includes all forms of business organization.