

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Labor*

August 2005

Members:

*Sen. Ethan Strimling, Chair
Sen. Philip L. Bartlett, II
Sen. Lois A. Snowe-Mello*

*Rep. William J. Smith, Chair
Rep. John L. Tuttle, Jr.
Rep. Deborah J. Hutton
Rep. Troy D. Jackson
Rep. Herbert E. Clark
Rep. Timothy E. Driscoll
Rep. Brian M. Duprey
Rep. Philip A. Cressey, Jr.
Rep. Darren M. Hall
Rep. James M. Hamper*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Labor

Division of Administrative Hearings. Current law pertaining to the Maine Enterprise Option program only references the ability for someone to appeal eligibility decisions to the Department of Labor, Division of Administrative Hearings; no second level of appeal is afforded, unlike all other unemployment programs under Maine law. LD 145 proposed to make appeal rights under the Maine Enterprise Option program consistent with that afforded to all other unemployment insurance programs.

Enacted law summary

Public Law 2005, chapter 39 permits an individual to file an appeal to the Maine Unemployment Insurance Commission in the case of a disagreement with a decision concerning the Maine Enterprise Option program rendered by the Division of Administrative Hearings. Prior law pertaining to the Maine Enterprise Option program only referenced the ability for someone to appeal eligibility decisions to the Department of Labor, Division of Administrative Hearings; no second level of appeal was afforded, unlike all other unemployment programs under Maine law. Public Law 2005, chapter 39 makes appeal rights under the Maine Enterprise Option program consistent with that afforded to all other unemployment insurance programs.

LD 156 **An Act To Adjust the Wage Base for the Unemployment Compensation System** **ONTP**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 156 proposed to amend the definition of "wages" and establish a new wage base for the unemployment compensation system that would apply to wages beginning on January 1, 2006.

LD 184 **An Act To Improve Prevailing Wage Standards in Maine** **ONTP**

<u>Sponsor(s)</u> CLARK STRIMLING		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 184 proposed to clarify that in publicly funded construction projects under the jurisdiction of the federal Davis-Bacon Act or other federal act, minimum wages and benefits are the higher of the federal and state rates.

Committee Amendment "A" (H-375) proposed to incorporate a fiscal note.

LD 190 **An Act Relating to the Treatment of Employers and Military Personnel in Connection with "Call to Duty" Activity** **PUBLIC 40**

<u>Sponsor(s)</u> FISHER BARTLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-26
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Joint Standing Committee on Labor

LD 190 proposed to relieve employers of unemployment benefit charges resulting from layoffs that occur as a result of personnel returning from military leaves of absence. Specifically, the bill proposed to address the situation in which an employer, pursuant to existing legal requirements, holds a position for a worker who is called to active duty, but needs to hire a replacement worker to keep the business going until the former employee returns. If the return of the active military personnel causes the replacement worker to be laid off, the laid-off worker receives unemployment benefits; this bill proposed to relieve the employer of any charges to the employer's unemployment tax experience rating due to this situation. LD 190 also proposed to clarify the law concerning the right of National Guard and reserve members on military leave of absence to retain normal vacation, sick leave, bonus, advancement and any other benefits related to normal employment in those employees' particular positions.

Committee Amendment "A" (H-26) proposed to eliminate the provisions of the bill that purported to clarify the rights of National Guard and reserve members to retain normal benefits while on military leave of absence.

Enacted law summary

Public Law 2005, chapter 40 relieves employers of unemployment benefit charges resulting from layoffs that occur as a result of personnel returning from military leaves of absence. The law addresses the situation in which an employer, pursuant to existing legal requirements, holds a position for a worker who is called to active duty, but needs to hire a replacement worker to keep the business going until the former employee returns. If the return of the active military personnel causes the replacement worker to be laid off, the laid-off worker receives unemployment benefits; this law relieves the employer of any charges to the employer's unemployment tax experience rating due to this situation.

LD 209

An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations

PUBLIC 149

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ	H-153
STRIMLING	ONTP MIN	

LD 209 proposed to allow the Maine State Retirement System to provide the names and addresses of retirees to nonprofit or public organizations established to provide programs and services to Maine public sector retirees. The bill also proposed to repeal the waiver provision in the current law.

Committee Amendment "A" (H-153) proposed to allow the home address of a Maine State Retirement System retiree, until September 15, 2007, to be disclosed to nonprofit or public retiree organizations for recruitment purposes unless the retiree "opts out" from authorizing this disclosure on a form provided by the retirement system. The amendment also proposed that, beginning September 15, 2007, the information again would become confidential unless the retiree "opts in" by signing a waiver of confidentiality. The amendment also proposed to require the retirement system to deny information in the future to an organization that obtained information for the purpose of membership recruitment but used the information for another purpose.

Enacted law summary

Public Law 2005, chapter 149 allows the home address of a Maine State Retirement System retiree, until September 15, 2007, to be disclosed to nonprofit or public retiree organizations for recruitment purposes unless