

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
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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.

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LD 435 proposed to conform Maine overtime laws to those of the federal Fair Labor Standards Act and to require that rules adopted by the Director of Labor Standards within the Department of Labor conform to regulations adopted pursuant to the federal Fair Labor Standards Act, including the "white-collar exemptions" that became effective on August 23, 2004.

LD 445 **An Act To Index the Minimum Wage for Inflation and To Permit a Training Wage for Workers under 17 Years of Age** **ONTP**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 445 proposed to index the hourly minimum wage to the rate of inflation. The hourly minimum wage, currently scheduled to increase from \$6.35 per hour to \$6.50 per hour beginning October 1, 2005, would be adjusted every 3 years, beginning October 1, 2006, to reflect the rate of inflation for the previous 3 years. LD 445 also proposed to establish a training wage, which is a minimum wage for employees under 17 years of age. The training wage would be the federal minimum wage, which is currently \$5.15 per hour.

LD 485 **An Act To Prohibit Permanent Replacement Workers** **ONTP**

<u>Sponsor(s)</u> PINEAU BRYANT B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 485 proposed to prohibit an employer from refusing to rehire an employee who was on strike or was locked out of employment if the reason for the refusal is that a replacement employee had been hired during the strike or lockout. Current federal case law allowing in some instances replacement workers to permanently replace workers who were on strike or were locked out is based on dicta from a case decided by the United States Supreme Court in 1938, NLRB v. Mackay Radio & Tel. Co., 304 U.S. 333.

LD 487 **An Act Concerning Payment of Health Insurance Premiums for Surviving Spouses of Maine State Retirement System Members** **PUBLIC 67**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-122
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LD 487 proposed to direct the Board of Trustees of the Maine State Retirement System to reimburse the surviving spouse of a Maine State Retirement System member for any health insurance premiums paid by the surviving spouse that exceed 40% of the retirement benefits received. The bill also proposed to authorize the board to adopt routine technical rules for implementation.

Committee Amendment "A" (H-122) proposed to replace the bill. The amendment proposed to guarantee that a spouse or other dependents of a retiree enrolled in the group health plan may continue coverage under the plan

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after the death of the retiree by making the premium payments for the cost of that coverage. This protection is similar to current law covering spouses and other dependents of state employees who die while in employment.

Enacted law summary

Public Law 2005, chapter 67 guarantees that a spouse or other dependents of a retiree enrolled in the State's group health plan may continue coverage under the plan after the death of the retiree by making the premium payments for the cost of that coverage. This protection is similar to the law covering spouses and other dependents of State employees who die while in employment.

LD 490 An Act To Eliminate the Offset for Social Security and Certain ONTP Other Pensions for Unemployment Benefits

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

LD 490 proposed to eliminate the pension offset against unemployment benefits for persons who receive Social Security or any other pension or plan to which the individual made at least 50% of the contributions. As under current law, if the person contributed some amount to the pension, but less than 50%, the offset would be made after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the pension by that person.

LD 493 An Act To Require That All Public School Employees Be Paid a ONTP Livable Wage Rate

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

LD 493 proposed to require that all employees of school administrative units in Maine be paid at least a livable wage rate, which means an amount sufficient to meet the costs of the basic necessities of life. The bill also proposed to establish a method for future periodic updating of the livable wage amount and procedures for the distribution of targeted funds to ensure that no public school employee in Maine will be paid at a wage rate that is insufficient to meet the costs of the basic necessities of life.

Committee Amendment "A" (H-187), which was the minority report of the committee and was not adopted, proposed to require the State to fully fund the additional costs of raising school employees' rates of pay to the livable wage rate required by the bill.