

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
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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

LD 515

An Act To Increase the Limit on the Right To Rejoin the Maine State Retirement System

PUBLIC 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN DAMON	OTP-AM MAJ ONTP MIN	H-106

LD 515 proposed to increase the limit on the right to rejoin the Maine State Retirement System from one occurrence to 2 occurrences.

Committee Amendment "A" (H-106) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 76 increases the limit on the right to rejoin the Maine State Retirement System from one occurrence to 2 occurrences.

LD 520

An Act To Improve Binding Arbitration in Public Sector Labor Relations

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE BRYANT B	ONTP	

LD 520 proposed to make arbitration by municipal and county employees and employees of sheriff's departments, police departments and professional fire departments binding with respect to monetary matters as well as all other matters.

LD 540

An Act To Clarify the Rate of Interest on Awards for Workers' Compensation Benefits

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

LD 540 proposed to resolve conflicts and uncertainties about payment of interest on overdue workers' compensation benefits. Current law identifies 2 different rates: 10% and 6%. The bill proposed to implement for workers' compensation cases a single rate of one percent per month and to give a grace period for the month in which each benefit first accrues. The bill also proposed to make clear that the same rate would apply to both medical bills and wage benefits included within the award, and to apply this uniform method of calculation prospectively to all workers' compensation obligations newly arising after the effective date of the bill, and to old injuries as well as new.

The bill further proposed to simplify the calculation process. Because both wage and medical benefits accrue in small increments, usually from week to week, calculating interest on each installment separately is difficult and

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time-consuming. Under the bill, benefits payable within each calendar month would be treated as a single award with interest to accrue only from the end of the month forward.

LD 546 **An Act to Promote Responsible Contracting Practices on State Projects** **ONTP**

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

LD 546 proposed to require an employer on a state project to possess a federal and state tax identification number, be bonded, carry liability insurance and follow state requirements for unemployment and workers' compensation insurance. The bill further proposed to require the employer to provide its employees health insurance that is Dirigo Health or the equivalent of that of state employees and construction industry safety training as provided by the United States Department of Labor, Occupational Safety and Health Administration, and to participate in an apprenticeship program or equivalent training program to train construction workers.

Committee Amendment "A" (S-112), which was the majority amendment of the committee and was not adopted, proposed to replace the bill and change the title of the bill. The amendment proposed to provide that, in collecting information from employers and determining the prevailing rate for health insurance, the Department of Labor, Bureau of Labor Standards must assume that an employer pays costs for health insurance at a rate that is either the median rate for small group health insurance, including Dirigo Health, or at the rate the employer actually pays for health insurance, whichever is higher. This amendment also proposed to add an appropriations and allocations section.

LD 569 **An Act To Correct an Inequity in Calculating Maine State Retirement Benefits** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO HUTTON	ONTP	

LD 569, a concept draft pursuant to Joint Rule 208, proposed to correct an inequity in current law, which provides that if a person receives disability benefits while a Maine State employee, the receipt of those disability benefits has an adverse effect on how that person's retirement benefit will be calculated. The bill proposed to calculate a person's Maine State Retirement System benefits to eliminate this adverse effect.