

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*July 2006*

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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular 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 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 (Pocket Veto).....                   | 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 August 23, 2006.

*Joint Standing Committee on Labor*

**LD 748**

**Resolve, Establishing the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers**

**RESOLVE 181**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| GAGNON            | OTP-AM MAJ              | S-432                     |
| DUPLESSIE         | ONTP MIN                | H-935 HUTTON              |

LD 748, a concept draft pursuant to Joint Rule 208, proposed to create parity between corrections officers and mental health workers regarding retirement benefits by adding direct-care mental health workers in the Department of Health and Human Services to the 1998 Special Plan. Under that plan, a worker qualifies for service retirement benefits if that worker either:

1. Is 55 years of age with 10 years of creditable service in a covered capacity; or
2. Has 25 years of creditable service.

In the latter case, the worker is eligible for a reduced benefit.

**Committee Amendment “B” (S-432)** proposed to replace the bill and make it a resolve. It proposed to establish the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;
2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and
3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it?

The membership of the commission would include representatives of corrections officers, mental health workers and their employers and 5 legislators. The amendment proposed to direct the commission to submit a report and to authorize the commission to introduce legislation related to its report to the First Regular Session of the 123<sup>rd</sup> Legislature. Finally, the amendment proposed to add an emergency preamble and an emergency clause in order to create an emergency measure that would take effect when approved.

**House Amendment “A” to Committee Amendment “B” (H-935)** proposed to remove the emergency preamble and the emergency clause, to advance by 15 days the deadline for making appointments to the Commission and to change the deadline for the Commission’s first meeting from July 15 to September 1, 2006.

**Committee Amendment “A” (S-68)** was adopted during the First Special Session of the 122<sup>nd</sup> Legislature before LD 748 and accompanying papers were committed to the Committee on Labor and carried over. Subsequently, this amendment was not adopted. The amendment proposed to replace the bill and make it a resolve. It proposed to establish the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;

## *Joint Standing Committee on Labor*

2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and
3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it?

The membership of the commission would include representatives of corrections officers, mental health workers and their employers and 5 legislators. The amendment proposed to direct the commission to submit a report and to authorize the commission to introduce legislation related to its report to the Second Regular Session of the 122<sup>nd</sup> Legislature. Finally, the amendment proposed to add an emergency preamble and an emergency clause in order to create an emergency measure that would take effect when approved. This amendment was not adopted.

**Senate Amendment “A” to Committee Amendment “A” (S-311)** was adopted during the First Special Session of the 122<sup>nd</sup> Legislature before LD 748 and accompanying papers were committed to the Committee on Labor and carried over. Subsequently, this amendment was not adopted. The amendment proposed to change the name of the Commission to the “Commission To Study Retirement Eligibility and Benefits for Certain Law Enforcement Officers and Mental Health Workers” and to expand the duties of the Commission to include the study of whether law enforcement officers in the Office of the Attorney General and the Department of the Secretary of State should be included in the 1998 Special Plan. The amendment also proposed to increase the membership of the Commission to include representatives of the bargaining agents of law enforcement officers in the Office of the Attorney General and the Department of the Secretary of State, the Attorney General, the Secretary of State and 4 additional legislators. This amendment was not adopted.

### *Enacted law summary*

Resolve 2005, chapter 181 establishes the Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;
2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and
3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it?

The membership of the commission includes representatives of corrections officers, mental health workers and their employers and 5 legislators. The commission is directed to submit a report and is authorized to introduce legislation related to its report to the First Regular Session of the 123<sup>rd</sup> Legislature.