

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
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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.

Joint Standing Committee on Labor

LD 1054 **Resolve, Directing the Maine State Retirement System To Amend Its Rules To Clarify That Officers of the State Police Who Reach Retirement Age May Continue Working and Receiving Retirement Benefits** **ONTP**

<u>Sponsor(s)</u> HOBBINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1054 proposed to direct the Maine State Retirement System to amend its rules to clarify that a state police officer who is a participant in the system and has reached normal retirement age may retire and begin receiving state retirement benefits and then may return to employment with the same employer while receiving those retirement benefits.

LD 1080 **An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan** **INDEF PP**

<u>Sponsor(s)</u> MILLS J WOODCOCK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-149
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LD 1080 proposed to direct the State to reimburse Allan Wyman for the contribution the State would have made had Mr. Wyman not mistakenly made his payments towards his retiree health insurance premium directly to the insurer.

Committee Amendment "A" (H-149) proposed to add an appropriations and allocations section.

LD 1123 **An Act To Promote Stability in Labor Relations** **PUBLIC 324**

<u>Sponsor(s)</u> DUPLESSIE STRIMLING		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-492
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LD 1123 proposed to provide that the terms and conditions of an expired collective bargaining agreement remain in effect until a new contract is executed.

Committee Amendment "A" (H-492) proposed to replace the bill. The amendment proposed to provide that, for an expired collective bargaining agreement signed after October 1, 2005, the grievance arbitration provisions of the collective bargaining agreement that concern what is commonly known as the "static status quo" remain in effect until a new contract is executed. The amendment proposed to give the Maine Labor Relations Board authority over disputes concerning the application of the static status quo doctrine, as well as rulemaking authority to implement the amendment's purposes. The amendment further proposed to provide that a grievance appealed to arbitration is subject exclusively to arbitration, and that grievance arbitration would be stayed pending resolution of a dispute over application of the static status quo doctrine by the Maine Labor Relations Board.

Joint Standing Committee on Labor

Enacted law summary

Public Law 2005, chapter 324 provides that, for an expired collective bargaining agreement signed after October 1, 2005, the grievance arbitration provisions of the collective bargaining agreement that concern what is commonly known as the "static status quo" remain in effect until a new contract is executed. The law gives the Maine Labor Relations Board authority over disputes concerning the application of the static status quo doctrine, as well as rulemaking authority to implement the amendment's purposes. The law further provides that a grievance appealed to arbitration is subject exclusively to arbitration, and that grievance arbitration will be stayed pending resolution of a dispute over application of the static status quo doctrine by the Maine Labor Relations Board.

LD 1143 **An Act To Protect Workers in the Mortgage and Mortgage Refinance Services Fields** **ONTP**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1143 proposed to specify that salespeople working for mortgage companies are not exempt from the laws governing minimum wages.

LD 1170 **An Act To Exempt Fire Departments from Biweekly Pay Requirements for Volunteer Firefighters** **PUBLIC 126**

<u>Sponsor(s)</u> SAVAGE COLLINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-113
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LD 1170 proposed to allow a municipal fire department to pay volunteer firefighters on a semiannual basis, instead of at least every 16 days as required by current law.

Committee Amendment "A" (S-113) proposed to clarify that fire departments may pay volunteer firefighters every 6 months or more frequently.

Enacted law summary

Public Law 2005, chapter 126 clarifies that fire departments may pay volunteer firefighters every 6 months or more frequently.