

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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*

**Staff:**

*Jim Adolf, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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 1197**                      **An Act To Allow a One-time Change in Benefit Payment Option Selection under the Maine State Retirement System**                      **ONTP**

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

LD 1197 proposed to provide that the recipient of a service retirement benefit under the Maine State Retirement System who has elected an optional method of payment may exercise at any time a one-time option to select a different optional method of payment.

**LD 1214**                      **An Act To Require Inspectors from the Department of Labor, Bureau of Labor Standards To Provide Advance Notice of Inspections**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	ONTP      MAJ OTP      MIN	

LD 1214 proposed to require the Department of Labor, Bureau of Labor Standards to provide notice to an employer at least 72 hours before the bureau inspects a workplace of the employer. This requirement would not apply to emergency inspections. The bill also proposed to eliminate the prohibition on giving advance notice of an inspection without authority from the Director of the Bureau of Labor Standards.

**LD 1223**                      **Resolve, Directing the Maine State Retirement System To Support the Federal Public Servant Retirement Protection Act**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BISHOP DOW	ONTP	

LD 1223 proposed to require the Executive Director of the Maine State Retirement System to work cooperatively with the United States Social Security Administration to provide support of the federal Public Servant Retirement Protection Act.

**LD 1236**                      **Resolve, To Establish the Study Commission Regarding Liveable Wages**                      **RESOLVE 128**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM	H-232 S-384 GAGNON

## *Joint Standing Committee on Labor*

LD 1236 proposed to establish the Study Commission Regarding Liveable Wages.

**Committee Amendment "A" (H-232)** proposed to change the membership of the study commission, so that the commission would include the following: 2 Senators who are from different parties and are members of the Joint Standing Committee on Labor; 3 members of the House of Representatives who also are members of the Joint Standing Committee on Labor and of whom no more than 2 are of the same party; and one representative each of the business community, municipal government, organized labor and an advocacy organization for the poor or for women. Additionally, the amendment proposed to include the Commissioner of Labor, the Commissioner of Health and Human Services and the Commissioner of Economic and Community Development as ex officio, nonvoting members of the commission. The amendment also proposed to include in the commission's duties an examination of the economic impact to the State of a liveable wage. The amendment also proposed to set August 1, 2005 as the latest date on which the commission must convene, and to clarify that the Legislative Council shall provide necessary staffing services.

**Senate Amendment "B" to Committee Amendment "A" (S-213)** proposed to strike the emergency preamble and emergency clause from the resolve and adjust the commission's initial meeting date and final reporting date accordingly. The amendment also proposed to remove the requirement that legislative members appointed to the commission be members of the Joint Standing Committee on Labor and conform the resolve with the Standards for Legislative Studies adopted by the Legislative Council and the Joint Rules.

### *Enacted law summary*

Resolve 2005, chapter 128 establishes the Study Commission Regarding Liveable Wages. Members of the commission include: 2 Senators who are from different parties; 3 members of the House of Representatives of whom no more than 2 are of the same party; and one representative each of the business community, municipal government, organized labor and an advocacy organization for the poor or for women. The Commissioner of Labor, the Commissioner of Health and Human Services and the Commissioner of Economic and Community Development serve as ex officio, nonvoting members of the commission.

**LD 1238**

**An Act To Ensure Compliance with Safety Regulations**

**DIED IN  
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU BRYANT B	OTP-AM    MAJ ONTP      MIN	

LD 1238 was intended to protect public safety by proposing to require inspections of certain industrial and commercial facilities that use potentially hazardous substances, equipment and machinery to ensure that operations will be undertaken properly. The bill proposed to prevent the initiation or resumption of operation of any facility that employs more than 250 persons, uses hazardous substances or hazardous equipment or machinery in its operations and is being operated by an inexperienced workforce. The operator of such a facility would be required to notify the Department of Labor, Bureau of Labor Standards of the impending initiation or resumption of operation, and the Bureau of Labor Standards would schedule and conduct an inspection of the facility and consult with the employees of the facility to ensure that the facility may safely initiate or resume operation. The bill proposed to provide opportunity for public comment and input from local government and the facility's employees to ensure adequate information is obtained about potential hazards caused by the facility's operation. The bureau would cooperate with the State Emergency Response Commission and local emergency planning