

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*July 2006*

**Staff:**

*John T. Mitchell, Legislative Analyst*

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

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Sen. Philip L. Bartlett, II  
Sen. Lois A. Snowe-Mello*

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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

persons whose date of hire is after November 1, 2006 must enroll in the plan no later than 60 days following the effective date of hire. Effective January 1, 2007, each county and municipal law enforcement officer and each municipal firefighter who participates as an active employee in a retirement plan and who has enrolled in the program must contribute 1.5 % of gross wages to a fund to offset the costs of the program. An enrollee must make contributions to the fund for 60 months, or pay a lump sum dollar equivalent that is computed based on the enrollee's age, in order to be eligible for coverage under the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, are eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. The law exempts from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. The law also includes an appropriations and allocations section. Finally, the law provides for the purchase of retirement benefit portability for coverages under the program by law enforcement officers and firefighters.

Immediately after being chaptered, Public Law 2005, chapter 636 was amended in LD 2055, an errors bill, to remove the exemption from the General Fund appropriation limitation.

### **LD 1050**                      **An Act To Promote Enforcement of Labor Laws Affecting Employers**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	ONTP	

LD 1050 proposed to require the Attorney General to investigate violations of the labor laws, including wage and hour violations and unemployment fraud, and prosecute violators. The bill proposed to specify that, if the Attorney General determines that an employer has violated a labor law, the Attorney General must investigate all the employees and subcontractors of that employer.

### **LD 1276**                      **An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set**                      **INDEF PP**

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

LD 1276 proposed to prohibit the Department of Labor from certifying to the United States Department of Labor that no U.S. citizens are qualified for or willing to fill a job opening in a forestry occupation, for the purpose of allowing an employer to hire a foreign worker to fill that job opening under what is commonly known as an "H-2B visa," if the job would require the worker to use the worker's own equipment and if the U.S. Department of Labor's Division of Foreign Labor Certification has not established a prevailing wage for workers performing that job using the workers' own equipment. This amendment was not adopted.

**Committee Amendment "C" (H-748)** proposed to add a provision to prohibit an employer from making a false representation to a government entity in an application to hire a foreign worker through a procedure commonly

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known as an “H-2B visa,” or in any supporting documentation or statements. The amendment proposed to set fines for violations as follows: \$1,000 but not more than \$5,000 for a first violation; \$5,000 but not more than \$20,000 for a 2nd offense within 3 years; and \$10,000 but not more than \$50,000 for a 3rd or subsequent violation within 3 years of 2 or more prior violations. The amendment would grant enforcement authority to the Department of Labor, Bureau of Labor Standards and authority to adopt routine technical rules to carry out its purposes. The amendment also would make technical changes to account for the Maine Revised Statutes, Title 26, section 872, which was enacted by Public Law 2005, chapter 461. This amendment was not adopted.

**Committee Amendment “B” (H-445)** proposed to add a provision to prohibit an employer from making a false representation to a government entity in an application to hire a foreign worker through a procedure commonly known as an “H-2B visa,” or in any supporting documentation or statements. The amendment proposed to set fines for violations as follows: \$1,000 but not more than \$5,000 for a first violation; \$5,000 but not more than \$20,000 for a 2nd offense within 3 years; and \$10,000 but not more than \$50,000 for a 3rd or subsequent violation within 3 years of 2 or more prior violations. The amendment also proposed to grant enforcement authority to the Department of Labor, Bureau of Labor Standards and authority to adopt routine technical rules to carry out its purposes. This amendment was not adopted.

**LD 1346                      An Act to Require Employers and Employees to Provide a                      **DIED ON****  
**2-Week Notice before Terminating Employment                      **ADJOURNMENT****

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

LD 1346 proposed to require all employees to give 2 weeks' notice prior to quitting and employers, including the State and the Legislature, to give 2 weeks' notice prior to terminating an employee. The bill proposed that an employee who quits in violation of this requirement without reasonable cause would be subject to a forfeiture of one week's pay and that an employer who fails to provide 2 weeks' notice without reasonable cause would be required to provide the employee with 2 weeks' pay. Current law allows an employer and employee in a manufacturing or mechanical business to contract to give each other one week's notice of intention to quit or terminate employment.

**Committee Amendment “A” (H-376)**, the majority report of the Joint Standing Committee on Labor, proposed to replace the bill. The amendment proposed to specify that a partisan legislative employee must be provided with at least a 2-week notice prior to being discharged, unless the termination is for reasonable cause. This amendment was not adopted.