

# 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

of the employee's unnecessarily having to look for other work and report weekly on that search to the bureau. Current law also bases the unemployment contribution for employers on the individual employer's past experience rating record.

**LD 1398**                      **An Act To Align Federal and State Child Labor Laws**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER COLLINS	ONTP	

LD 1398 proposed to direct the Department of Labor, Bureau of Labor Standards to adopt rules that conform to the federal Fair Labor Standards Act of 1938 and accompanying regulations that govern employment of minors under 18 years of age, and to prohibit employment of minors except in accordance with these rules. The bill also proposed to direct the bureau to readopt the rule prohibiting minors from being employed in a place that has nude entertainment and to specify that these rules are routine technical rules.

**LD 1410**                      **An Act To Require That the Maine Unemployment Insurance Commission Maintain Its Principal Office in the Augusta Area**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE SNOWE-MELLO	ONTP	

LD 1410 proposed to require that the Maine Unemployment Insurance Commission maintain its principal office in the Augusta area.

**LD 1413**                      **An Act To Conform the Remedies under the Maine Family Medical Leave Requirements with Those Available under Federal Law**                      **PUBLIC 228**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPS	OTP-AM	H-348

LD 1413 proposed to expand the remedies available to employees alleging violations of the Maine family medical leave requirements to equal those available under federal law. These remedies include back pay, interest, attorney's fees and costs, liquidated double damages and equitable remedies.

**Committee Amendment "A" (H-348)** proposed to remove the burden from an employer to prove that the employer has acted in good faith in order to avoid double damages, and instead to place the burden on the employee to prove that the violation was willful for the employee to recover double damages.

### *Enacted law summary*

## Joint Standing Committee on Labor

Public Law 2005, chapter 228 expands the remedies available to employees alleging violations of the Maine family medical leave requirements to equal those available under federal law. The remedies include back pay, interest, attorneys' fees and costs, liquidated double damages and equitable remedies. Additionally, the law places the burden on the employee to prove that the violation was willful for the employee to recover double damages.

**LD 1419**                      **An Act To Amend the Laws Regarding Certain Employment-related Matters**                      **PUBLIC 119**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W STRIMLING	OTP-AM	H-233

LD 1419 proposed to insert a reference to the existing statutory provision that governs payment for services of a member of the State Board of Arbitration and Conciliation in the laws governing leaves of absence. That provision requires the costs to be shared by the parties. The bill also proposed to provide that wages paid to election officials and election workers do not have to be reported for purposes of the laws governing unemployment compensation until they exceed \$1,000. Finally, LD 1419 proposed to remove the exemption for wages earned as a volunteer emergency medical services worker in the definition of total and partial unemployment in the laws governing unemployment compensation.

**Committee Amendment "A" (H-233)** proposed to delete section 3 of the bill, which would have removed the exemption for wages earned as a volunteer emergency medical services worker in the definition of total and partial unemployment in the laws governing unemployment compensation.

### *Enacted law summary*

Public Law 2005, chapter 119 inserts a reference to the statutory provision that governs payment for services of a member of the State Board of Arbitration and Conciliation in the laws governing leaves of absence. That provision requires the costs to be shared by the parties. The law also provides that wages paid to election officials and election workers do not have to be reported for purposes of unemployment compensation until they exceed \$1,000.

**LD 1470**                      **Resolve, Directing the Judicial Compensation Commission to Examine Allowing Judges To Receive Service Credit for Prior Legislative Service**                      **RESOLVE 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-427

LD 1470 proposed to allow a member of the Maine Judicial Retirement System service credit for time spent as a Legislator as long as the member made payments to the Maine Legislative Retirement System for service as a Legislator.

**Committee Amendment "A" (H-427)** proposed to replace the bill with a resolve directing the Judicial Compensation Commission to examine whether a judge or justice should receive service credit in the Maine