

# 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:**

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

*Rep. William J. Smith, Chair  
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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 1604**                    **An Act To Restructure the Unfunded Liability of the Maine State Retirement System**                    **CARRIED OVER**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1604, a concept draft pursuant to Joint Rule 208, proposed to refinance a portion of the Maine State Retirement System pension debt through the bond market.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1628**                    **An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects**                    **CARRIED OVER**

<u>Sponsor(s)</u> PATRICK BRYANT B		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1628 proposed to require that a contractor or subcontractor entering into a contract for a public work on or after July 1, 2007 that is for \$10,000 or more provide documentation demonstrating that all employees working on that project have completed a construction safety training course, no shorter than 10 hours in duration, approved by the United States Occupational Safety and Health Administration. The bill also proposed to specify that, in addition to fines provided in existing law, violation of these requirements may result in removal of employees for whom the required documentation is not provided, as well as cancellation or enforcement of performance of the contract.

**Committee Amendment "A" (H-491)** proposed to:

1. Eliminate the penalties of removal of workers and cancellation of the contract;
2. Allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to deduct penalties assessed to contractors and subcontractors from contract payments for public works;
3. Afford contractors and subcontractors 30 days to correct a failure to provide the required training or, if the contractor or subcontractor does not have a certified trainer on staff, the longer of 30 days and until the date of the next available and appropriate training by the Department of Labor that occurs within a 2-hour drive of the work site; and
4. Allow the Director of General Services to refuse to release plans and specifications to a contractor or subcontractor for the purpose of bidding on a future project if the contractor or subcontractor has violated the training requirements.

## *Joint Standing Committee on Labor*

**House Amendment "A" to Committee Amendment "A" (H-645)**, which was not adopted, proposed to require that one employee from each company at a work site must have successfully completed a course in construction safety approved by the United States Occupational Safety and Health Administration.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1652**                      **An Act To Establish a Fair System for the Protection of Volunteer Firefighters' Employment**                      **PUBLIC 296**

<u>Sponsor(s)</u> DUCHESNE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-493
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LD 1652 proposed to protect a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency such as a fire, hazardous or toxic waste spill or other situation to which the fire department is called to respond. The bill proposed to allow written agreements between employers and employees to supersede the terms of the proposed law. The bill further proposed to apply only to employers with 5 or more full-time-equivalent employees and to allow an employer to designate an employee as "essential" and therefore not subject to the employment protections.

**Committee Amendment "A" (H-493)** proposed to eliminate the limitation on application of the bill to employers with 5 or more full-time-equivalent employees. The amendment also proposed to clarify that:

1. A volunteer firefighter is not required to report to work immediately after an emergency, but rather as soon as reasonably possible after being released from an emergency;
2. A volunteer firefighter must, at the employer's request, provide a statement from the fire chief documenting the time of release from the emergency call; and
3. An employer may designate an employee as essential when the absence of the employee would cause disruption of the employer's business.

### ***Enacted law summary***

Public Law 2005, chapter 296 protects a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency such as a fire, hazardous or toxic waste spill or other situation to which the fire department is called to respond. The law also allows written agreements between employers and employees to supersede its terms. Additionally, the law clarifies that a volunteer firefighter is not required to report to work immediately after an emergency, but rather as soon as reasonably possible after being released from an emergency, and specifies that a volunteer firefighter must, at the employer's request, provide a statement from the fire chief documenting the time of release from the emergency call. Finally, the law allows an employer to designate an employee as essential when the absence of the employee would cause disruption of the employer's business.