

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*July 2006*

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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*

**LD 1850**

**An Act To Clarify the Change of Beneficiary Provision in the  
Maine State Retirement System Laws**

**PUBLIC 560**

<u>Sponsor(s)</u> MILLETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-921
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LD 1850 proposed to allow a recipient of a reduced retirement benefit, who is granted a divorce either after retirement or before a retirement beneficiary is named, to elect a different beneficiary without obtaining the agreement of the spouse or former spouse who was originally named as the retirement beneficiary, provided the court-ordered disposition of property specifies that the recipient's service retirement benefit is set apart as the sole and exclusive property of the recipient.

**Committee Amendment "A" (H-921)** proposed to strike the bill and add language to clarify that the terms of qualified domestic relations orders must be followed in implementing the laws governing the Maine State Retirement System. The amendment proposed to specify that the rights of a beneficiary or other payee under the laws governing the Maine State Retirement System are subject to the terms of a qualified domestic relations order and that a qualified domestic relations order is presumed to be in compliance with all applicable requirements. The amendment would direct the Maine State Retirement System to give effect to the plain meaning of the terms of such an order despite any failure of the order to cite or reference statutory or rule provisions. The amendment proposed to make these changes retroactive to January 1, 1985. The amendment also proposed to make the limitations on the ability of a retiree under the Maine State Retirement System to change the beneficiary of that person in the case of a divorce apply only when the former spouse is named as retirement beneficiary at the time the divorce is granted.

***Enacted law summary***

Public Law 2005, chapter 560 specifies that the rights of a beneficiary or other payee under the laws governing the Maine State Retirement System are subject to the terms of a qualified domestic relations order, in order to clarify that the terms of qualified domestic relations orders must be followed in implementing the laws governing the Maine State Retirement System. The law also provides that a qualified domestic relations order is presumed to be in compliance with all applicable requirements and directs the Maine State Retirement System to give effect to the plain meaning of the terms of such an order despite any failure of the order to cite or reference statutory or rule provisions. These provisions are retroactive to January 1, 1985. The law also makes the limitations on the ability of a retiree under the Maine State Retirement System to change the beneficiary of that person in the case of a divorce apply only when the former spouse is named as retirement beneficiary at the time the divorce is granted.