

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
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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).

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.

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LD 1898

An Act To Protect the Employment Rights of Military Reserve and National Guard Personnel

PUBLIC 524

<u>Sponsor(s)</u> BRYANT M BRYANT B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-823
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LD 1898 proposed to provide for time off from work for a member of the National Guard or the Reserves returning from a period of military training or service that is less than 31 days. The bill proposed that in such circumstances a return to work is not mandated until the first full calendar day following the expiration of 72 hours after a period allowing for safe travel from the place of service to the member's residence. The bill also would provide for attorney's fees in any civil action for noncompliance.

Committee Amendment "A" (H-823) proposed to strike the bill and to prohibit an employer from requiring that a military member report back to work before the expiration of various periods of time depending on the length of the military member's service, following the completion of service and time for safe transportation home.

Enacted law summary

Public Law 2005, chapter 524 prohibits an employer from requiring that a military member report back to work before the expiration of a certain period of time, based on the length of the military member's service, following the completion of service and time for safe transportation home.

LD 1910

An Act To Create Employment Opportunities for People with Disabilities

PUBLIC 570

<u>Sponsor(s)</u> LERMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-938
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LD 1910 proposed the following:

1. To provide a nonrefundable state income tax credit to an employer for wages paid to employees with disabilities. The credit would be up to \$3000 per employee during the first year of employment and up to \$1,800 per employee during the second year of employment.
2. To provide a refundable 25% state earned income tax credit to a taxpayer with a disability.
3. To create a new Part 29 in Title 5, entitled "Employment of Individuals with Disabilities," and to require each state agency to review periodically the adequacy of hiring and advancement practices in the agency with respect to individuals with disabilities, to develop a plan by January 1, 2007 for increasing the opportunities for individuals with disabilities to be employed by the agency, to encourage the employment of individuals with disabilities in its outside contracts, to expand its outreach efforts to make individuals with disabilities aware of available employment opportunities at the agency and to increase its efforts to accommodate individuals with disabilities.

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4. To direct the Department of Health and Human Services to amend its rules to provide greater flexibility for individuals with intellectual disabilities to receive day habilitation services and supportive employment services. The bill would provide that such rules are major substantive rules.
5. To direct the Department of Economic And Community Development and the Department of Labor to initiate jointly a media campaign designed to increase statewide awareness of issues affecting individuals with disabilities.

Committee Amendment “A” (H-938) proposed to direct the Department of Administrative and Financial Services, Bureau of Human Resources to reinstate, based on the availability of financial resources, the activities and functions previously associated with the position of Disability Employment Services Coordinator in order to provide oversight and facilitation of duties relative to the employment of workers with disabilities in state agencies. The amendment also would require the Department of Health and Human Services and the Department of Labor to produce a report, in consultation with several disabilities services agencies and interested parties, regarding employment opportunities for individuals with developmental disabilities. Finally, the amendment proposed to strike language requiring the development of a media campaign and replace it with a requirement that the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, submit a report with recommendations regarding the funding and implementation of a media campaign and an employer outreach campaign.

Enacted law summary

Public Law 2005, chapter 570 creates a new Part 29 entitled “Employment of Individuals with Disabilities” in Title 5 of the Maine Revised Statutes and requires each state agency to:

1. Review periodically the adequacy of hiring and advancement practices in the agency with respect to individuals with disabilities;
2. Develop a plan by January 1, 2007 for increasing the opportunities for individuals with disabilities to be employed by the agency;
3. Encourage the employment of individuals with disabilities in its outside contracts;
4. Expand its outreach efforts to make individuals with disabilities aware of available employment opportunities at the agency; and
5. Increase its efforts to accommodate individuals with disabilities.

The law directs the Department of Administrative and Financial Services, Bureau of Human Resources to reinstate, based on the availability of financial resources, the activities and functions previously associated with the position of Disability Employment Services Coordinator in order to provide oversight and facilitation of duties relative to the employment of workers with disabilities in state agencies. The law also requires the Department of Health and Human Services and the Department of Labor to produce a report, in consultation with several disabilities services agencies and interested parties, regarding employment opportunities for individuals with developmental disabilities. Finally, the law directs the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, to submit a report with recommendations regarding the funding and implementation of a media campaign designed to increase statewide awareness of employment-related issues

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affecting individuals with disabilities and an employer outreach campaign designed to engage employers in discussions and information exchange about issues, services and support systems related to the employment of individuals with disabilities.

LD 1921 **An Act To Enable Local Adult Education Programs To Play a Greater Role in Helping Dislocated Workers** **ONTP**

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

LD 1921, a concept draft pursuant to Joint Rule 208, proposed to require the Department of Labor to include representatives of local adult education programs in planning and executing initiatives to assist dislocated workers in a community.

LD 1924 **An Act To Protect Workers from Political or Religious Intimidation** **ONTP**

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

LD 1924 proposed that an employer may not, directly or indirectly, appoint, demote, suspend, lay off, discharge, or in any manner change the official rank or compensation of an employee, or promise or threaten to take any such action, or harass, discipline, or coerce an employee because the employee gives support to or refuses to give support to any view or position on a religious or political matter, attends or refuses to attend an employer-sponsored meeting, the primary purpose of which is to communicate the employer's opinion about a religious or political matter, or participates in or refuses to participate in any communication, the primary purpose of which is to communicate the employer's opinion about a religious or political matter. The bill would prohibit an employer from retaliating against an employee for reporting violations in good faith. It would provide an exception when religious or political beliefs or communications are a bona fide part of the employee's job responsibilities. Finally, the bill proposed to create a civil violation and provide remedies to aggrieved employees, including treble damages and reasonable attorney's fees and costs.

Committee Amendment "A" (S-582), the minority report of the Joint Standing Committee on Labor, proposed to remove a reference to joining lawful social or community organizations as part of the bill's definition of a political matter. The amendment also proposed to remove the prohibition on employment actions based on religious views. It would delete subsections providing for a violation and enforcement and substitutes for them a subsection authorizing employee complaints to the Maine Human Rights Commission for violations of the section. Finally the amendment proposed to clarify that an employer may restrict political speech in the workplace during work hours and that the bill is not intended to infringe on rights under the National Labor Relations Act. This amendment was not adopted.