

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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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).

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

Enacted law summary

Public Law 2005, chapter 666 provides that a teacher, whose previous service terminated due to the elimination of the teacher's position as a result of the closure of a school in School Administrative District Number 10 where the teacher was employed, may make one additional election to rejoin the Teacher Group Accident and Sickness and Health Insurance Plan, which election may be exercised at any time after the teacher's retirement.

LD 2098 **An Act Authorizing Participation in the State Group Health Plan for Retiring Legislators** **ONTP**

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

LD 2098 proposed that any Legislator who reaches normal retirement age and retires from the Legislature may be covered under the state group health plan regardless of whether or not the Legislator participated in a retirement system administered by the Board of Trustees of the Maine State Retirement System. The bill proposed to require the retroactive pro rata payment of the amount of contributions the Legislator would have made if covered under the plan

Committee Amendment "A" (H-1039), the minority report of the Joint Standing Committee on Labor, proposed that the new health coverage benefit be available only to those Legislators elected after July 1, 2006.

This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-1082) proposed to add an additional provision intended to ensure that a person is not required for financial reasons to choose between serving in the Legislature and receiving in full a disability annuity or payment to which the person is entitled. Under the amendment, a Legislator would file a written notice waiving compensation and expenses to which that Legislator is entitled in order to eliminate the consideration, application or use of those funds to reduce a federal or state disability annuity or payment. This amendment was not adopted.

LD 2109 **Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor** **RESOLVE 205 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1040

LD 2109, a resolve, proposed the legislative review and authorization of portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a major substantive rule of the Department of Labor.

Joint Standing Committee on Labor

Committee Amendment “A” (H-1040), proposed to authorize the Department of Labor to finally adopt portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a provisionally adopted major substantive rule submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, as long as certain changes are made relating to the definition of “logging equipment” and to statutory cross references. The amendment proposed to require changes to clarify that “logging equipment” means harvesting equipment employed in certain uses and that the only transport equipment that meets the definition of “logging equipment” is equipment that may be used on-site to transport logs to roadside. The amendment also would require changes to remove language describing violations and specifying fines and classes of crimes and to replace it with statutory cross-references to the relevant civil and criminal violation provisions. Finally, the amendment would require changes to correct a typographical omission by inserting the word “proof” in section IV(B) of the rule and to remove section IV(B)(1) from the rule.

Enacted law summary

Resolve 2005, chapter 205 authorizes the Department of Labor to finally adopt portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a provisionally adopted major substantive rule submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, as long as certain changes are made relating to the definition of “logging equipment” and to statutory cross references. The law requires changes to clarify that “logging equipment” means harvesting equipment employed in certain uses and that the only transport equipment that meets the definition of “logging equipment” is equipment that may be used on-site to transport logs to roadside. The law also requires changes to remove language describing violations and specifying fines and classes of crimes and to replace it with statutory cross-references to the relevant civil and criminal violation provisions. Finally, the law requires changes to correct a typographical omission by inserting the word “proof” in section IV(B) of the rule and to remove section IV(B)(1) from the rule.

Resolve 2005, chapter 205 was passed as an emergency measure effective May 2, 2006.