

# 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  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

July 2007

**MEMBERS:**

SEN. ETHAN STRIMLING, CHAIR  
SEN. NANCY B. SULLIVAN  
SEN. DANA L. DOW

REP. JOHN L. TUTTLE, JR., CHAIR  
REP. TROY DALE JACKSON  
REP. HERBERT E. CLARK  
REP. TIMOTHY E. DRISCOLL  
REP. ANNE M. HASKELL  
REP. RICHARD JOHN BURNS  
REP. BRIAN M. DUPREY  
REP. JAMES M. HAMPER\*  
REP. RICHARD M. SYKES  
REP. DOUGLAS A. THOMAS

**STAFF:**

JOHN T. MITCHELL, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

\*Representative James M. Hamper replaced Representative Philip A. Cressey, Jr. on the Labor Committee

# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Labor

**LD 124 An Act To Allow the Recovery of Reasonable Attorney's Fees**

**ONTP**

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

This bill requires that a judgment in favor of an employee in an action brought against an employer for an unfair agreement include, in addition to the actual damages, liquidated damages equal to the amount of actual damages plus the costs of suit, including reasonable attorney's fees.

**LD 125 Resolve, To Expedite a Workers' Compensation Case**

**CARRIED OVER**

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

This resolve requires the Joint Standing Committee on Labor to review the case of Joseph Greenier. The resolve also requires the committee to make recommendations to the Workers' Compensation Board for resolution of the case. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

**LD 136 An Act Regarding the Enforcement of Penalties under the Maine Workers' Compensation Act of 1992**

**PUBLIC 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-18 STRIMLING

This bill repeals and replaces a section of Title 39-A relating to penalties. The new section retains all of the language of the existing section which provides that:

- o penalties are payable to the Workers' Compensation Board Administrative Fund; and
- o Fund amounts attributable to penalties that are not required to support the activities of the board shall be transferred to the General Fund.

The bill adds language which provides that:

- o all penalties are enforceable by the Superior Court;
- o the Attorney General shall prosecute any action necessary to recover penalties or the board may retain private counsel for that purpose; and
- o if a person fails to pay a penalty and enforcement by the Superior Court is necessary, that person shall pay court costs, including reasonable attorney's fees, and, if the failure to pay was without due cause, double the penalty.

### Senate Amendment "A" (S-18)

This amendment corrects an internal reference to be consistent with other references.

### Enacted Law Summary

Public Law 2007, Chapter 26 repeals and replaces a section of Title 39-A relating to penalties. The new section retains all of the language of the existing section which provides that:

- o penalties are payable to the Workers' Compensation Board Administrative Fund; and

## *Joint Standing Committee on Labor*

- o Fund amounts attributable to penalties that are not required to support the activities of the board shall be transferred to the General Fund.

The bill adds language which provides that:

- o all penalties are enforceable by the Superior Court;
- o the Attorney General shall prosecute any action necessary to recover penalties or the board may retain private counsel for that purpose; and
- o if a person fails to pay a penalty and enforcement by the Superior Court is necessary, that person shall pay court costs, including reasonable attorney's fees, and, if the failure to pay was without due cause, double the penalty.

**LD 155      An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits**

**ONTP**

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

This bill eliminates the pension offset against unemployment benefits for persons who receive Social Security or any other pension or plan to which the individual made at least 50% of the contributions. If the person contributed some amount to the pension, but less than 50%, the offset is made after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the pension by that person.

**LD 201      An Act To Increase the State's Share of Retired Teachers' Health Insurance**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT SAVAGE C	OTP-AM	H-170

This bill increases the State's contribution to the retired teacher members' share of health insurance costs from 45% to 50% from January 1, 2007 to December 31, 2007 and 55% after December 31, 2007.

**Committee Amendment "A" (H-170)**

This amendment adds an appropriations and allocations section to the bill.

**LD 224      An Act To Provide for Minimum Wage and Overtime Coverage for Certain Domestic Workers**

**PUBLIC 22**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL BRYANT B	OTP	

This bill clarifies that the exemption from minimum wage and overtime requirements for individuals employed in domestic service in or about a private home applies only to individuals engaged directly by the resident or owner of that private home or the family of the resident or homeowner.

**Enacted Law Summary**

Public Law 2007, Chapter 22 clarifies that the exemption from minimum wage and overtime requirements for