

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON LABOR

July 2007

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STATE OF MAINE

123RD 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 123rd 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.

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- 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

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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.

**LD 225 An Act To Provide Flexibility in Health Insurance for Spouses under
the State Employee Health Insurance Plan**

ONTP

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

This bill provides the spouse of a retiree an additional opportunity to elect to enroll in the State's group health plan. At present, an enrolled spouse who leaves the plan is not eligible to re-enroll. This bill would allow a spouse who obtains health insurance from an employer to make a one-time election to leave the plan and be eligible to enroll at a future date. The spouse must demonstrate coverage for at least 18 months immediately prior to enrollment under the plan.

LD 233 An Act To Provide Funds for Voice-activated Telephones

ONTP

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

This bill establishes a program within the Department of Labor, Bureau of Rehabilitation Services to lend voice-activated telephones to persons with disabilities and to deaf, hard-of-hearing or speech-impaired persons. The program is required to lend out a minimum of 5 voice-activated telephones. This program is funded by the Communications Equipment Fund, which receives funds from the state universal service fund.

LD 256 An Act To Assist Maine Military Families

PUBLIC 388

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-502

This bill provides leave, under the family medical leave laws, for an employee whose spouse is a member of the armed forces who has been killed or injured.

Committee Amendment "A" (H-502)

This amendment expands the applicability of family military leave by reducing from 50 to 15 the number of employees that an employer must have to trigger the requirement that such leave be provided. The amendment also allows family members the option of using unpaid leave while the service member has returned on leave granted during deployment. Finally, the amendment expands the coverage of the bill's provision adding a new family medical leave authorization by providing leave if the employee is a domestic partner, parent or child of the member of the armed forces and the member dies or incurs a serious health condition while on active duty.

Enacted Law Summary

Public Law 2007, Chapter 388 provides leave, under the family medical leave laws, for an employee whose spouse is a member of the armed forces who has been killed or injured. The bill expands the applicability of family military leave by reducing from 50 to 15 the number of employees that an employer must have to trigger the requirement that such leave be provided. This bill also allows family members the option of using unpaid