

# MAINE STATE LEGISLATURE

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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

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SEN. NANCY B. SULLIVAN  
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# 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*

leave while the service member has returned on leave granted during deployment. Finally, the bill 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.

**LD 259      An Act To Clarify the Composition of the Advisory Council on  
Tax-deferred Arrangements**

**PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE STRIMLING	OTP-AM	H-389

This bill replaces three named employee organizations with the phrase "employee organization certified to represent the unit" in describing the entities who recommend the employee representatives to be appointed to the Advisory Council on Tax-deferred Arrangements.

**Committee Amendment "A" (H-389)**

This amendment replaces the bill. Like the bill, it provides that employee representatives are recommended by the employee organizations certified to represent units, recognized under the Maine Revised Statutes, but it adds 2 more employee representatives, one each from the legislative branch and the judicial branch, to the Advisory Council on Tax-deferred Arrangements.

**Enacted Law Summary**

Public Law 2007, Chapter 298 replaces three named employee organizations with the phrase "employee organization certified to represent the unit" in describing the entities who recommend the employee representatives to be appointed to the Advisory Council on Tax-deferred Arrangements. The bill also adds 2 more employee representatives, one each from the legislative branch and the judicial branch, to the Advisory Council on Tax-deferred Arrangements.

**LD 297      Resolve, Authorizing Elizabeth O'Connor To Rejoin the Maine State  
Retirement System**

**CARRIED OVER**

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

This resolve authorizes the Maine State Retirement System to allow Elizabeth O'Connor to rejoin the Maine State Retirement System and buy back service credits without paying any applicable interest charges from October 2005 to December 2006.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

**LD 323      An Act Permitting Substitute Teachers To Opt Out of the Maine State  
Retirement System**

**PUBLIC 305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS COURTNEY	OTP-AM	H-390

## Joint Standing Committee on Labor

This bill makes membership in the Maine State Retirement System optional for substitute public school teachers.

### Committee Amendment "A" (H-390)

This amendment adds provisions to the bill similar to those governing municipal employees regarding the purchase of creditable service and rejoining the Maine State Retirement System. The amendment allows substitute public school teachers to rejoin the retirement system 2 times.

### Enacted Law Summary

Public Law 2007, Chapter 305 makes membership in the Maine State Retirement System optional for substitute public school teachers. The bill adds provisions with respect to state employee and teacher retirement plans similar to those governing municipal employees regarding the purchase of creditable service and rejoining the Maine State Retirement System. The bill allows substitute public school teachers to rejoin the retirement system 2 times.

## LD 375 An Act To Amend the Family Medical Leave Laws

PUBLIC 261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ ONTP MIN	S-121

This bill adds domestic partners to the list of family members that employees may use family medical leave to take care of. The bill also defines domestic partner to mean the partner of an employee who:

- o is a mentally competent adult, as is the employee;
- o has been legally domiciled with the employee for at least 12 months;
- o is not legally married to or legally separated from another individual;
- o is the sole partner of the employee and expects to remain so; and
- o is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

### Committee Amendment "A" (S-121)

This amendment adds to the definition of "domestic partner" by excluding a sibling of an employee from the definition.

### Enacted Law Summary

Public Law 2007, Chapter 261 adds domestic partners to the list of family members that employees may use family medical leave to take care of. The bill also defines "domestic partner" to mean the partner of an employee who:

- o is a mentally competent adult, as is the employee;
- o has been legally domiciled with the employee for at least 12 months;
- o is not legally married to or legally separated from another individual;
- o is the sole partner of the employee and expects to remain so; and
- o is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

The bill also adds to the definition of "domestic partner" by excluding a sibling of an employee from the definition.