

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.

Joint Standing Committee on Labor

LD 1024 An Act To Address Labor Practices with On-call Workers

ONTP

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

This bill requires an employer to pay an on-call, part-time employee wages for at least 3 hours of work or travel expenses set at the standard mileage rate for business purposes set by the federal Internal Revenue Service if the employer calls the employee in to work. If the employer opts to pay an employee travel expenses, the employer is not exempt from paying the wages of the employee for the time that the employee worked.

LD 1032 An Act To Improve Employment Opportunities for Persons with Disabilities in Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING		S-71

This bill requires state agencies to provide copies of their disability employment plans and annual updates to the joint standing committee of the Legislature having jurisdiction over labor matters and to the Commission on Disability and Employment within the Department of Labor, Maine Jobs Council by March 1st of each year. The bill also provides funding for one Disability Employment Services Coordinator position within the Department of Administrative and Financial Services, Bureau of Human Resources.

Committee Amendment "A" (S-71)

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

LD 1032 is carried over pursuant to Joint Order, HP 1369.

LD 1055 Resolve, To Establish a Working Group To Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population

**RESOLVE 100
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-501

This bill establishes the hearing assistance program within the Department of Labor, Bureau of Rehabilitation Services to provide grants to low-income persons who are deaf or hard-of-hearing and elderly or disabled for the purchase of hearing aids and subsidies for cap-tel service. The program is funded through the state universal service fund, which is administered by the Public Utilities Commission.

Committee Amendment "A" (H-501)

This amendment replaces the bill and establishes the Working Group to Study the Prevalence and Cost of Hearing Loss and Use of Hearing Aids and Other Devices in Maine's Elderly Population. The working group shall submit a report of its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services by December 7, 2007. The committees are authorized to submit legislation pertaining to the report.

Joint Standing Committee on Labor

Enacted Law Summary

Resolves 2007, Chapter 100, was enacted as an emergency measure effective June 20, 2007. This resolve establishes the Working Group to Study the Prevalence and Cost of Hearing Loss and Use of Hearing Aids and Other Devices in Maine's Elderly Population. The working group shall submit a report of its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services by December 7, 2007. The committees are authorized to submit legislation pertaining to the report.

LD 1060 **Resolve, To Study the State's Career Center Network and Create a Sustainable System**

CARRIED OVER

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

This resolve is a concept draft pursuant to Joint Rule 208. The purpose of this resolve is to study the State's job opportunities with the intent of creating a sustainable career center network.

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

LD 1086 **An Act To Clarify Worker Payment for Clothing and Equipment**

PUBLIC 357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-371

This bill provides that, in the context of employee compensation required to be returned to the employer for the payment of a debt owed to the employer, uniforms, personal protective equipment or other tools of the trade that are considered to be primarily for the benefit or convenience of the employer may not be considered a "debt". The bill also prohibits an employer from mandating that an employee pay for the cleaning and maintenance of a uniform, but may have a written agreement with the employee whereby the employee chooses to have a payroll deduction for the cost of cleaning and maintenance.

Committee Amendment "A" (H-371)

This amendment clarifies the provisions of the bill and incorporates the provisions of federal law in Maine statutory determinations as to what, in the context of employee compensation required to be returned to the employer for the payment of a debt owed to the employer, is considered to be primarily for the benefit or convenience of the employer and may not be considered a "debt."

Enacted Law Summary

Public Law 2007, Chapter 357 incorporates the provisions of federal law in Maine statutory determinations regarding employee compensation required to be returned to the employer for the payment of a debt owed to the employer. The bill provides that the cost of uniforms and of their laundering, the cost of any construction by and for the employer, the cost of tools of the trade and other materials and services incidental to carrying on the employer's business and other costs of furnishing facilities primarily for the benefit or convenience of the employer may not be considered a "debt."