

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

JOINT STANDING COMMITTEE ON LABOR

May 2008

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. DOUGLAS A. THOMAS
REP. PETER B. JOHNSON

STAFF:

CAROLYN RUSSO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Labor

This bill requires a successful bidder and all subcontractors of the successful bidder entering into a public works contract on or after July 1, 2008 worth \$10,000 or more to certify and provide documentation demonstrating that all employees working on the project have completed a course in construction safety, no shorter than 10 hours in duration, approved by the United States Occupational Safety and Health Administration. The bill also specifies that, in addition to fines provided in existing law, violation of these requirements may result in removal of employees for whom the required documentation is not provided, as well as cancellation or enforcement of performance of the contract.

Committee Amendment "A" (H-635)

This amendment, which is the minority report of the Joint Standing Committee on Labor, clarifies that the employee training requirement imposed by the bill applies only to state public works and only to those works entered into on or after July 1, 2009. It also increases the amount of the contract from \$10,000 to \$100,000 as the minimum bid for the application of the training requirement.

LD 869 Resolve, Directing the Maine State Retirement System To Recalculate the Retirement Benefits of D'Lila Terracin **ONTP**

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

This bill directs the Maine State Retirement System to retroactively recalculate the retirement benefits of D'Lila Terracin to allow her to receive 2 years of disability payments between 58 and 60 years of age and to calculate her Maine State Retirement System retirement benefits at 60 years of age to enable her to avoid early retirement penalties.

LD 1032 An Act To Improve Employment Opportunities for Persons with Disabilities in Maine **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM	S-395

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 "B" (S-395)

This amendment replaces the appropriations and allocations section of the bill to reflect delay in the passage of this carry-over legislation.

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

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

Joint Standing Committee on Labor

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.

**LD 1223 An Act To Provide a Uniform Retirement Plan for Corrections Officers
and Mental Health Workers**

INDEF PP

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

This bill was reported by Senator Strimling for the Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers pursuant to Resolve 2005, chapter 181.

The bill is contingent upon the full actuarial costs having been accumulated in a reserve of the Maine State Retirement System, this bill adds mental health workers to the 1998 Special Plan for certain Maine State Retirement System members and requires that service retirement benefits for corrections and mental health workers included in the 1998 Special Plan be computed on the basis of all the member's creditable service, regardless of when that service was earned. The bill provides for funding the full actuarial costs of new corrections and mental health worker retirement benefits by creating a reserve and transferring funds to it that would otherwise qualify for transfer to the Retirement Allowance Fund from unappropriated surplus of the General Fund. Transfers continue until the accumulation of funds to cover the full actuarial costs, including normal costs for 6 years, is complete. Under the bill, retirement service credit may not be given and increased benefits may not be paid until the full actuarial costs of the liability for the increased value of that service has been funded.

**LD 1275 An Act To Promote Workplace Safety and Certainty within the
Construction Industry by Authorizing the Workers' Compensation Board
To Issue Construction Contractor Certificates**

**ACCEPTED ONTP
REPORT**

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

This bill requires the Workers' Compensation Board to issue a construction contractor certificate to a person working in the construction industry upon proof that the person functions in a particular trade or occupation as an independent contractor rather than an employee or upon proof that the person has secured the payment of compensation by obtaining insurance coverage. The certificate creates a binding presumption that the person is an independent contractor so long as the person works in the trade, business, occupation or profession identified in the certificate. The application for and issuance of a certificate constitutes a waiver of rights under the Maine Workers' Compensation Act of 1992. A person who engages in construction work without a certificate is deemed an employee of the person's hiring agent.

**LD 1345 An Act To Simplify Standards for Determining Independent Contractor
Status for Unemployment Compensation Purposes**

ONTP

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

This bill defines "independent contractor" under the laws governing unemployment compensation to make it consistent with the definition of that term under the laws governing workers' compensation. In addition, this bill authorizes the Bureau of Unemployment Compensation to issue a predetermination of independent contractor status.