

# 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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# 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*

This bill is a concept draft pursuant to Joint Rule 208. The bill seeks to address behavior in the workplace that is intimidating, demeaning and reprehensible but falls short of being actionable under current criminal laws and laws against sexual harassment and discrimination.

**LD 1158      An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation**

**PUBLIC 175**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-139

This bill increases the per diem for members of the State Board of Arbitration and Conciliation from \$75 to \$150.

**Committee Amendment "A" (H-139)**

This amendment adds a fiscal note to the bill.

**Enacted Law Summary**

Public Law 2007, Chapter 175 increases the per diem for members of the State Board of Arbitration and Conciliation from \$75 to \$150.

**LD 1177      Resolve, To Establish the Commission on Retirement Policy Funding and Reform**

**ONTP**

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

This resolve creates the Commission on Retirement Policy Funding and Reform to review and recommend reforms to the Maine State Retirement System that make the system more consistent with the labor market of 2010 and beyond.

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

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-286

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.

**Committee Amendment "A" (S-286)**

## *Joint Standing Committee on Labor*

This amendment provides that the Corrections and Mental Health Workers Service Retirement Benefit Reserve is held by the Maine State Retirement System rather than in the General Fund. The amendment also provides for 1% contributions to the reserve by affected classifications of corrections officers and mental health workers.

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

**LD 1259     An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases**

**PUBLIC 313**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-372

This bill provides that the amount of compensation in occupational disease cases must be based on the average weekly wages of the employee on the date of injury rather than on the date the employee was last exposed to the disease. Where the employee is no longer working on the date of incapacity, the average wages of a comparable employee as of the date of injury must be used to determine the amount of compensation.

**Committee Amendment "A" (H-372)**

The amendment clarifies that the amount of compensation in occupational disease cases is based on wages in the occupation in which the employee was working at the time of the employee's last injurious exposure, even though the employee may no longer be working in that occupation.

**Enacted Law Summary**

Public Law 2007, Chapter 313 provides that the amount of compensation in occupational disease cases must be based on the average weekly wages of the employee on the date of injury rather than on the date the employee was last exposed to the disease. Where the employee is no longer working on the date of incapacity, the average wages of a comparable employee in the occupation in which the employee was working at the time of the employee's last injurious exposure, and as of the date of injury, must be used to determine the amount of compensation.

**LD 1261     An Act To Clarify Intermittent Leave under the Family Medical Leave Laws**

**PUBLIC 233**

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

This bill amends the family medical leave laws to provide for intermittent leave as is provided under the federal Family and Medical Leave Act of 1993.

**Enacted Law Summary**

Public Law 2007, Chapter 233 amends the family medical leave laws to provide for intermittent leave as is provided under the federal Family and Medical Leave Act of 1993.

**LD 1272     An Act To Repeal Certain Unemployment Benefit Disqualifications**

**ONTP**

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