

MAINE STATE LEGISLATURE

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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

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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 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.