

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 1439 An Act To Enhance the Workers' Compensation Board Advocate Program

PUBLIC 312

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-179

This bill requires that individuals hired as worker advocates by the Workers' Compensation Board on or after the effective date of this legislation either be admitted to practice law in the State or be eligible to practice law in the State upon hiring and, within 12 months of hiring, be admitted to practice law in the State. This bill also increases the salary of the general counsel from salary range 86 to salary range 89 and reclassifies numerous additional positions.

Committee Amendment "A" (S-179)

This amendment establishes a new Workers' Compensation Advocate Attorney classification, reclassifies qualified Workers' Compensation Advocates to Workers' Compensation Advocate Attorneys, provides for the reclassification of vacant Workers' Compensation Advocate positions to Workers' Compensation Advocate Attorney positions, reclassifies other staff attorney and paralegal positions and provides a range change from 86 to 89 for the Workers' Compensation Board General Counsel position.

Enacted Law Summary

Public Law 2007, Chapter 312 establishes a new Workers' Compensation Advocate Attorney classification, reclassifies qualified Workers' Compensation Advocates to Workers' Compensation Advocate Attorneys, provides for the reclassification of vacant Workers' Compensation Advocate positions to Workers' Compensation Advocate Attorney positions, reclassifies other staff attorney and paralegal positions and provides a range change from 86 to 89 for the Workers' Compensation Board General Counsel position.

LD 1445 An Act To Define "Livable Wage";

PUBLIC 363

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS STRIMLING	OTP-AM	H-394 S-215 DOW

This bill directs the Department of Labor to annually calculate the livable wages for various household sizes using the methodology employed by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage" and requires the department to measure and report on the costs to workers paid less than a livable wage and the bureaucratic costs to subsidize workers paid less than a livable wage.

Committee Amendment "A" (H-394)

This amendment changes the defined household in the livable wage definition from a single-parent, one-child household to a 2-parent household with 2 earners and 2 children. The amendment also removes a section of the bill requiring the Department of Labor to measure annually the costs to workers paid less than a livable wage and the bureaucratic costs to subsidize workers paid less than a livable wage. This amendment also adds an appropriations and allocations section.

Senate Amendment "A" (S-215)

This amendment strikes the appropriations and allocations section.

Joint Standing Committee on Labor

Enacted Law Summary

Public Law 2007, Chapter 363 directs the Department of Labor to annually calculate the livable wages for various household sizes using the methodology employed by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage" using a 2-parent household with 2 earners and 2 children.

LD 1454 An Act To Care for Working Families

CARRIED OVER

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

This bill requires an employer to pay each employee a minimum of one hour of paid sick leave for every 30 hours worked by the employee. An employer is not required to provide to an employee paid sick leave in excess of 72 hours or 9 days annually. Paid sick leave may be used by an employee during an absence from employment due to the illness of the employee or the illness of an immediate family member. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1455 An Act Concerning the Duties of Employers in the Case of Mass Employee Termination

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK BRYANT B	ONTP	

This bill enacts a new chapter in Title 26 relating to mass termination notification and assistance. The bill provides:

- o An employer of at least 100 employees must give a one-year notice of an intended mass reduction of employees to the Director of Labor Standards, the employees, the affected municipalities and the relevant employee organizations, and must give severance pay to the employees and continue the employees' health benefits for up to one year after the reduction;
- o For the creation of a plant closing assistance fund, funded by payments from the employer, for technical assistance to keep the plant open and to reimburse communities for property tax loss;
- o An employer must offer the plant that is closing and its equipment and inventory for sale at fair market prices to interested employee organizations, private business concerns or government-owned or jointly owned businesses; and
- o An employee, affected municipality, employee organization or the Director of Labor Standards may bring an action against an employer who violates the proposed law.

LD 1467 Resolve, To Create Improved Employment Opportunities for People with Disabilities

RESOLVE 101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM	S-258

This resolve implements the recommendations of the report issued pursuant to Public Law 2005, chapter 570. It directs the Department of Health and Human Services and the Department of Labor to create an interdepartmental committee to develop a statewide transition plan to facilitate the implementation of a waiver allowing the expansion of supported employment as an alternative for people with developmental disabilities who are currently receiving freestanding day habilitation through MaineCare. This resolve also directs the Department of Health and Human