

# 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 electronic originals  
(may include minor formatting differences from printed original)

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

**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. RICHARD M. SYKES  
REP. DOUGLAS A. THOMAS

**STAFF:**

JOHN T. MITCHELL, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

\*Representative James M. Hamper replaced Representative Philip A. Cressey, Jr. on the Labor Committee

# 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

## 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

## *Joint Standing Committee on Labor*

Services and the Department of Labor to design and implement a system of community services using existing resources that supports the attainment of gainful employment in integrated settings in the community by persons with developmental disabilities. Finally, this resolve directs the Maine Jobs Council to convene a task force to oversee the development of a professional strategic marketing plan by marketing professionals and to identify resources for employer outreach. This bill also appropriates funds to accomplish this task.

### **Committee Amendment "A" (S-258)**

This amendment changes the appropriations and allocations section and directs the Department of Labor to seek outside funds to supplement existing budgeted resources in order to pay the costs of developing a plan and identifying resources.

### **Enacted Law Summary**

Resolves 2007, Chapter 101 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 Services and the Department of Labor to design and implement a system of community services using existing resources that supports the attainment of gainful employment in integrated settings in the community by persons with developmental disabilities. The resolve directs the Maine Jobs Council to convene a task force to oversee the development of a professional strategic marketing plan by marketing professionals and to identify resources for employer outreach. Finally, the resolve directs the Department of Labor to seek outside funds to supplement existing budgeted resources in order to pay the costs of developing a plan and identifying resources.

**LD 1492      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Incurring Any New Unfunded Liabilities for Retiree Health Benefits and To Require a 20-year Amortization of Public Retiree Benefits** **ONTP**

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

This resolution proposes to amend the Constitution of Maine to prohibit the State from incurring any new unfunded liabilities for retiree health benefits and to require the retirement within 20 years of the unfunded liability of all retirement benefits, including health benefits, owed by the State.

**LD 1493      An Act To Authorize the Employer To Adjust Workers' Compensation Benefits When the Employee Returns To Work for Another Employer** **ONTP**

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

This bill permits an employer, insurer or group self-insurer responsible for paying benefits to reduce compensation to an employee pending a hearing when the employee receives an increase in pay from an employer who is not the employer responsible for paying compensation. The bill obligates the payer to increase benefits when an employee on partial compensation sustains a loss of earnings and files a petition for increased benefits. The bill increases the rate of interest payable on withheld benefits from 6% a year to 1% a month.