

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 1543 An Act To Clarify the Use of Tips in Payment of Service Employees

PUBLIC 367

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SIMPSON | OTP-AM | H-370 |

This bill clarifies that tips belong to the employee providing direct service and that the entire tip, less a pro-rated percentage, if any, charged by a credit card company from any credit card payment must go to the employee by the next regular payday. The bill also allows the pooling of tips in limited circumstances. The bill amends the definition of service employee by providing examples and raising the minimum amount that must be earned in tips in order to meet the definition.

Committee Amendment "A" (H-370)

This amendment removes the word "evenly" from language allowing service employees to split tips and strikes a provision allowing an employer to deduct a prorated percentage of the credit card charge from an employee's tip.

Enacted Law Summary

Public Law 2007, Chapter 367 clarifies that tips belong to the employee providing direct service and that the entire tip must go to the employee by the next regular payday. The bill also allows the pooling of tips in limited circumstances. The bill amends the definition of service employee by providing examples and raising the minimum amount that must be earned in tips in order to meet the definition.

LD 1544 An Act To Enact the Home Care Consumer and Worker Protection Act

DIED BETWEEN HOUSES

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RICHARDSON W | OTP-AM | H-535 |

This bill creates the Home Care Consumer and Worker Protection Act. The purpose of this bill is to ensure that both the consumer and the home care services worker are given the ability to make informed, knowledgeable decisions regarding their status as employers, independent contractors and employees.

Committee Amendment "A" (H-535)

This amendment strikes the bill and replaces it with language amending a section of the Maine Revised Statutes pertaining to the regulation of personal care agencies by adding placement agencies to the regulatory scheme. The amendment increases penalties for violations of the regulatory requirements of the section and adds an unallocated section that requires the Department of Health and Human Services to convene a work group to make recommendations regarding the regulation of personal care agencies and placement agencies.

LD 1545 An Act To Protect Workers from Political or Religious Intimidation

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FAIRCLOTH | ONTP | |

This bill prohibits an employer from discriminating in employment matters on the basis of an employee's refusal to participate in meetings or communication related to the employer's political or religious views. An employee

Joint Standing Committee on Labor

seeking redress must allow the employer to correct the violation; any further action by the employee must be through the Maine Human Rights Commission. The bill does not affect the right of the employer to ban political speech in the workplace during work hours.

LD 1546 An Act To Require Employees Injured at Work To Report Those Injuries within 24 Hours **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DUPREY | ONTP | |

This bill amends the current requirement that the employee give notice of injury within 90 days of the date of injury to require that the employee give notice within 24 hours of the date of injury in order to maintain proceedings for compensation under the Workers' Compensation Act.

LD 1569 An Act To Allow Certain Veterans Who Did Not Previously Qualify To Buy Maine State Retirement System Time at a Subsidized Rate **ONTP**

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

This bill makes General Fund appropriations of \$88,202 in fiscal year 2007-08 and \$127,138 in fiscal year 2008-09 to the Maine State Retirement System to allow for 3 members per year who the Maine State Retirement System has determined are qualified to purchase military service credit at a subsidized rate pursuant to Public Law 2003, chapter 693.

LD 1583 An Act To Provide Retirement Equity to Forest Ranger Supervisory Personnel Whose Retirement Plans Were Changed after Initial Date of Hire **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BARTLETT | ONTP | |

This bill provides that service retirement benefits for District Ranger, Regional Ranger, State Ranger Supervisor and Chief Ranger Pilot job classifications 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.

LD 1585 An Act To Assist the Independent Medical Examiner Program for Workers' Compensation **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MARRACHE | | |

This bill changes independent medical examiner eligibility criteria which currently provide that a physician is ineligible where any 207 examination has been performed during the previous 52 weeks. Under the bill, a physician is not ineligible unless the physician has examined:

- o the employee; or
- o ten or more employees in accordance with section 207; or