

# 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.

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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

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o ten or more employees referred to the physician directly or indirectly by counsel for the employee during the previous 52 weeks.

The bill also provides that the Workers' Compensation Board's determination of an independent medical examiner's eligibility may not be raised as an issue in the dispute resolution process for the claim of an employee and that such Board determinations constitute final agency action. Finally, the bill requires that the deposition of an independent medical examiner may take place only in accordance with section 309, subsection 3, and that the subject matter of the deposition must be confined to the claim of the employee and the medical questions arising from that claim. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

**LD 1586      *Resolve, Directing the Department of Labor To Examine Policy and Programmatic Alternatives for the Establishment of a Wage Loss Insurance System To Provide Wage Security in the Event of Loss of Earnings*      ONTP**

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

This resolve requires the Department of Labor to conduct a study of the laws, policies and programs, including those in other jurisdictions, relating to the establishment of a wage loss insurance system. The department shall call upon interested parties in conducting its study and shall submit a report to the Joint Standing Committee on Labor with its findings, recommendations and any proposed implementing legislation.

**LD 1593      *An Act To Require the Consent of Union Members To Have Dues Used for Political Purposes*      ONTP**

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

This bill requires a bargaining agent who receives a fee or dues from an employee for representation of that employee to obtain written consent from that employee before using a portion of the fee or dues for political purposes.

**LD 1599      *An Act To Allow Service Credit for Teachers in the Retirement System for Certain Educational Development*      ONTP**

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

This bill provides that teachers covered under the Maine State Retirement System may purchase service credit for educational development activities. It also allows teachers with creditable service for leave taken for educational development activities prior to July 1, 1993 to use that service time for the purpose of completing the 10-year requirement pursuant to the Maine Revised Statutes, Title 5, section 17851, subsection 1-B if the member purchases that creditable service under Title 5, section 17767 before January 1, 2009.