

# 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.

## *Joint Standing Committee on Labor*

**LD 1603    An Act To Make Actuarially Fair Adjustments in Retirement Benefits for Older Employees**

ONTP

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

Sections 1 through 5 of the bill replace the current retirement system for state employees, which provides for normal retirement benefits beginning at age 60 or 62, with a system that indexes the age of eligibility to the number of years of remaining life expectancy. The reform is calibrated to retain the identical life expectancy in retirement as is projected for individuals retiring this year. For those currently eligible for retirement benefits at age 60, the indexed system would provide normal benefits at the age when there are 22 years and 2 months of remaining life expectancy. For those currently eligible for retirement benefits at age 62, the indexed system would provide normal benefits at the age when there are 20 years and 7 months of remaining life expectancy. These ages of eligibility would be revised annually, based on life expectancy statistics maintained by the National Center for Health Statistics. Section 6 of the bill provides for a 6% increase in the retirement benefit amount for each year that an employee works after the normal retirement age. This adjustment prevents older workers from losing the actuarial value of their accumulated benefits if they continue to work beyond the normal retirement age.

**LD 1604    An Act To End the Automatic Deduction of Union Dues from the Paychecks of Nonunion Members**

ONTP

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

This bill specifies that public employees, including state and legislative employees, university, academy and community college employees, judicial employees and agricultural employees, may not be required by an employer or other person to join a union, labor organization or bargaining agent unit and may not be required to pay union dues or fees of any type.

**LD 1616    An Act To Allow Temporary State Workers To Contribute to Social Security**

ONTP

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

This bill makes membership in the Maine State Retirement System optional for temporary state employees, including temporary employees of the Maine Turnpike Authority, and requires the State to enter into agreements with the Federal Security Administrator to extend social security benefits to them as an alternative.

**LD 1653    An Act To Prevent Real Minimum Wages from Falling**

ONTP

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

This bill provides for the state minimum hourly wage to be adjusted for inflation beginning January 1, 2008 and annually thereafter. The bill requires the Department of Labor to calculate the inflation-adjusted minimum hourly

## *Joint Standing Committee on Labor*

wage based on changes in the consumer price index and to exclude from the calculation any month in which the State's unemployment rate exceeds the national unemployment rate.

**LD 1672     An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS		S-257

This bill allows detectives in the Office of the Attorney General to elect to participate in the 1998 Special Plan of the Maine State Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service, or may retire before 55 years of age with 25 years of creditable service and a reduced benefit. This bill also amends the definition of "law enforcement officer" for purposes of the law governing death benefits to ensure that all sworn law enforcement officers are eligible to receive so-called "line of duty" death benefits.

**Committee Amendment "A" (S-257)**

This amendment removes the option to participate in the 1998 Special Plan of the Maine State Retirement System for persons hired by the Office of the Attorney General prior to July 1, 2007, making participation mandatory for all detectives in the employment of the Office of the Attorney General on July 1, 2007 or hired thereafter. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

**LD 1691     An Act To Improve the Independent Medical Examiner System**

**ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	ONTP MAJ OTP-AM MIN	

This bill provides that the Workers' Compensation Board may order an examination by an independent medical examiner only if both parties to a dispute request such an examination.

**Committee Amendment "A" (S-300)**

This amendment is the minority report of the Joint Standing Committee on Labor. It requires the Workers' Compensation Board to expend resources to pay independent medical examiner fees to determine the extent and causation of work-related injuries. The amendment increases the assessments that the board may levy against insurers. The amendment also adds an appropriations and allocations section and corrects cross-references to repealed sections of law.

**LD 1693     An Act To Restore Equity to the Maine State Retirement System**

**CARRIED OVER**

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

The Maine State Retirement System currently contains two separate benefit structures based upon the status of participants on July 1, 1993. This bill addresses one of the major benefit reductions imposed upon employees with less than ten years of service on July 1, 1993 by reducing the penalty for retiring earlier than 62 years of age from 6% per year to 3% per year. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.