

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON LABOR

May 2008

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STATE OF MAINE
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**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Labor

LD 1454 An Act To Care for Working Families

**ACCEPTED ONTP
REPORT**

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

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.

Committee Amendment "A" (H-636)

This amendment, which is the majority report of the Joint Standing Committee on Labor, reduces the amount of paid sick leave required to be provided by employers. Under the bill, an employer is not required to provide an employee more than 9 days of sick leave annually. The amendment reduces the amount an employer is required to provide an employee from 9 days to 5 days of sick leave annually. The amendment also reduces from 5 to 3 the number of consecutive days of sick leave after which an employer may require verification of illness from an employee.

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

ONTP

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

This bill changes independent medical examiner eligibility criteria which currently provide that a physician is ineligible where any Title 39-A, section 207 examination has been performed during the previous 52 weeks. Under the bill, a physician is not ineligible unless the physician has examined: the employee; or ten or more employees in accordance with section 207; or 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.

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

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-394

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

Joint Standing Committee on Labor

all sworn law enforcement officers are eligible to receive so-called "line of duty" death benefits.

Committee Amendment "B" (S-394)

This amendment replaces the bill but preserves an altered version of that portion of the bill relating to death benefits for certain law enforcement officers.

Under current law, a state benefit of \$50,000 is paid to the family of an eligible law enforcement officer who has died in the line of duty. Funding for the benefit comes from the Maine Budget Stabilization Fund. This amendment expands the list of eligible law enforcement officers to include forest rangers, Baxter State Park rangers, detectives employed by the Office of the Attorney General, investigative officers employed by the Department of Corrections, juvenile community corrections officers, probation officers, certain security officers appointed by the Commissioner of Public Safety, and motor vehicle investigators appointed by the Secretary of State. This amendment also removes an obsolete reference to liquor enforcement officers.

LD 1693 An Act To Restore Equity to the Maine Public Employees Retirement System

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ ONTP MIN	S-451 S-621 RAYE S-652 MILLS P

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.

Committee Amendment "A" (S-451)

This amendment does the following:

1. It reduces the early retirement reduction factor from 6% to 3% for members of the legislative retirement program and the judicial retirement program who are currently subject to the 6% reduction factor. This ensures consistency with the same reduction that is provided to members of the state employee and teacher retirement program under the bill;
2. It allows the Board of Trustees of the Maine Public Employees Retirement System to reduce the payment in fiscal year 2007-08 toward the unfunded actuarial liability of the state employee and teacher retirement program and, if such a reduction is made, to apply the balance of the amount appropriated for that purpose to fund the past service liabilities created by the benefits provided under the amended bill, the increase in normal cost in fiscal year 2008-09 associated with the benefits provided under the amended bill, and any increased unfunded liability payments required in fiscal year 2008-09 resulting from the reduced unfunded liability contribution in fiscal year 2007-08; and
3. It provides that the substantive changes to the Maine Public Employees Retirement System accomplished by this legislation take effect only if the Board of Trustees of the Maine Public Employees Retirement System determine that the reduction in the required unfunded liability payment in fiscal year 2007-08 is consistent with sound actuarial practice.

Senate Amendment "E" (S-621)

The bill, as amended by Committee Amendment "A," reduces the penalty for early retirement from 6% to 3% for