

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

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<sup>1</sup> 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 1697** An Act To Ensure Fair Wages

**PUBLIC 640**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ ONTP MIN	S-452 S-570 STRIMLING S-587 DOW S-628 STRIMLING

This bill increases the minimum wage to \$7.70 per hour in 2008 and to \$8.40 per hour in 2009. Each year after that, the minimum wage is adjusted based on the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W.

The bill removes exemptions to the State's minimum wage and overtime laws. Removed from exempt status are domestic service providers, public and educational non-profit employees, and those working in hotels, motels, restaurants, and other eating establishments.

The bill changes the tip credit to \$3 per hour rather than 50% of the state minimum wage as under current law.

The bill also amends the laws governing enforcement of minimum wage and overtime laws by increasing penalties, increasing remedies in private civil actions, and expanding the scope of antiretaliation provisions.

### **Committee Amendment "A" (S-452)**

This amendment, which is the majority report of the Joint Standing Committee on Labor, does the following:

1. It lessens the increase in the minimum wage proposed in the bill. Rather than raising the minimum wage to \$7.70 per hour in 2008 and to \$8.40 per hour in 2009, the amendment raises the minimum wage to \$7.35 per hour in 2008, to \$7.70 per hour in 2009, and to \$8.00 per hour in 2010;
2. It amends the date to begin the calculation of the adjusted minimum wage rate using the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W, from September 30, 2009 to September 30, 2010; and
3. It removes the bill's proposed changes to the tip credit an employer may consider as part of the wages of a service employee.

### **Senate Amendment "A" (S-570)**

This amendment reduces the increase in the minimum wage proposed in Committee Amendment "A" from \$7.35 per hour in 2008 and \$7.70 per hour in 2009 to \$7.25 per hour in 2008 and \$7.50 per hour in 2009. This amendment also eliminates the increase proposed for 2010 and eliminates the annual indexing.

### **Senate Amendment "A" (S-587)**

This amendment removes provisions regarding employees' remedies and provisions that increase penalties for violation of the minimum wage laws.

### **Senate Amendment "C" (S-628)**

This amendment requires the Department of Labor, Bureau of Labor Standards to perform any inspection or investigation associated with the removal of several major exemptions from the minimum wage and overtime provisions under the Act using its existing resources.

# Joint Standing Committee on Labor

## Enacted Law Summary

Public Law 2007, chapter 640 increases the minimum wage to \$7.25 per hour on October 1, 2008 and to \$7.50 per hour on October 1, 2009. It removes the exemption of domestic service providers, public and educational non-profit employees, and those working in hotels, motels, restaurants, and other eating establishments from the State minimum wage and overtime laws. It also requires the Department of Labor, Bureau of Labor Standards to use existing resources when performing any inspection or investigation associated with the removal of the exemptions from the minimum wage and overtime laws.

**LD 1931 An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process PUBLIC 566**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ ONTP MIN	S-475

This bill removes language from the regional school unit authorization laws requiring the merger of bargaining units on a regional school unit-wide basis and enacts new provisions preserving existing bargaining units, existing collective bargaining agents and existing collective bargaining obligations.

### Committee Amendment "A" (S-475)

This amendment maintains current provisions of the regional school unit authorization laws requiring the merger of bargaining units on a regional school unit-wide basis, but extends the deadline for the merger of bargaining units represented by different collective bargaining agents until August 31, 2012.

## Enacted Law Summary

Public Law 2007, chapter 566 maintains current provisions of the regional school unit authorization laws requiring the merger of bargaining units on a regional school unit-wide basis, but extends the deadline for the merger of bargaining units represented by different collective bargaining agents until August 31, 2012.

**LD 1934 An Act To Require the State To Divest Itself of Funds from Companies Doing Business with Iran DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM	S-458

This bill requires the Treasurer of State and the Board of Trustees of the Maine Public Employees Retirement System to divest holdings from companies that do business with Iran.

### Committee Amendment "A" (S-458)

This amendment requires only the Board of Trustees of the Maine Public Employees Retirement System, not the Treasurer of State, to divest state pension and annuity funds from companies that do business with Iran. It also adds a sunset provision repealing the requirement July 1, 2012.

### Senate Amendment "A" (S-530)

This amendment narrows the requirement of divestiture contained in the bill, as amended by Committee Amendment "A." Under this amendment, the Board of Trustees of the Maine Public Employees Retirement System is required to divest itself of holdings in investments that contribute to the development of petroleum or natural gas resources of the Islamic Republic of Iran in an amount that totals more than \$20,000,000 since August 5, 1996. This