

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 1697 An Act To Ensure Fair Wages

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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 changes in prices, so that the minimum hourly wage will retain its purchasing power. The price adjustment is based on the change in the Consumer Price Index. The bill also removes exemptions to the State's minimum wage and overtime laws. The bill also 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. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1738 An Act To Amend the Laws Relating to the Maine State Retirement System

PUBLIC 249

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

The bill makes the following changes to the laws governing the Maine State Retirement System.

1. It removes language that became obsolete when the retirement system became a public instrumentality in 1993.
2. It clarifies when Maine State Retirement System creditable service may be transferred to the Maine Legislative Retirement System.
3. It amends the laws that govern when the retirement system must report to the Legislature regarding the occurrence of a Consumer Price Index increase that exceeds the statutory cap on cost-of-living adjustments in retirement benefits for retirees from the judicial plan and the participating local district plans.
4. It gives judges the same retirement beneficiary provision as was enacted for other system members by Public Law 2005, chapter 560.
5. It repeals references to health insurance and health insurance funds, in which the retirement system no longer serves a role.
6. It repeals some sections of law and amends other sections that refer to funds that are no longer segregated by the retirement system into separate funds.
7. It clarifies that "early retirement" includes retirement from the 1998 Special Plan prior to reaching the normal retirement age of that plan.
8. It makes clear that the employer contribution rate must support the payment of survivors' benefits and disability retirement benefits. This is not a change but a clarification.
9. It removes an incorrect cross-reference and inserts a definition of "federally recognized period of conflict" for participating local district members that is consistent with that for other retirement system members.
10. It permits an individual to be duly designated as a member of the Participating Local District Advisory Committee by respective constituent groups who formerly made nominations to the Governor. It removes the requirement that those individuals also be appointed by the Governor. It also deletes obsolete requirements pertaining to initial terms of committee members.
11. It provides that the laws governing the unauthorized practice of law do not apply to a person who is not an attorney who is representing a party in any hearing, action or proceeding before the Maine State Retirement System.

Enacted Law Summary

Joint Standing Committee on Labor

Public Law 2007, Chapter 249 makes the following changes to the laws governing the Maine State Retirement System.

1. It removes language that became obsolete when the retirement system became a public instrumentality in 1993.
2. It clarifies when Maine State Retirement System creditable service may be transferred to the Maine Legislative Retirement System.
3. It amends the laws that govern when the retirement system must report to the Legislature regarding the occurrence of a Consumer Price Index increase that exceeds the statutory cap on cost-of-living adjustments in retirement benefits for retirees from the judicial plan and the participating local district plans.
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11. It provides that the laws governing the unauthorized practice of law do not apply to a person who is not an attorney who is representing a party in any hearing, action or proceeding before the Maine State Retirement System.

LD 1777 An Act for Fair Treatment of Workers BY REQUEST

ONTP

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

This bill provides that an employer may terminate an employee for misconduct only. If an employer violates this provision, the employer must pay the employee an amount equal to one week's pay for each year the employee worked for the employer after the first year of employment.

LD 1809 An Act To Base Minimum Wage Increases on the Consumer Price Index

ONTP

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

This bill provides that, starting July 1, 2009 and every July 1st thereafter, the Commissioner of Labor shall adjust the minimum hourly wage by any positive percentage change in the Consumer Price Index in the previous year. The changes in the bill are contingent upon approval by the voters at referendum in November 2008.