

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
123RD LEGISLATURE
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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 2055 **An Act To Improve the Elections Process under the Maine Labor Relations Board Laws**

ONTP

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

This bill amends the labor relations laws for municipal public employees, state employees, judicial employees, and employees of the University of Maine System, the Maine Maritime Academy and the Maine Community College System as follows:

1. It requires the Executive Director of the Maine Labor Relations Board to conduct a hearing in the event of a dispute over the appropriateness of the composition of the proposed bargaining unit. The hearing must be scheduled to occur within 15 days of the filing of the petition, with the goal of completing the election within 45 days;
2. It requires an employer to recognize an employee organization that demonstrates majority support by the bargaining unit employees. Current law allows an employer to voluntarily recognize an employee organization or to ask for an election. Under this bill, unless the employer shows good cause to the board to believe that the majority support was obtained by fraud or duress, the employer must recognize the employee organization; and
3. It makes final the review by the Maine Labor Relations Board of a decision of the executive director. Current law allows a party to appeal the board's decision to the Superior Court. This bill removes that right and also removes the procedural specifications for how the board is to issue its decision.

The bill also standardizes the language of these labor relations laws, amending the laws to bring them into conformity with current drafting standards.

LD 2095 **An Act To Ensure the Freedom of Family Child Care Providers To Jointly Negotiate with the State**

PUBLIC 672

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM MAJ ONTP MIN	H-901 S-612 DIAMOND S-692 ROTUNDO

This bill does the following:

1. It provides for collective bargaining between the State and "Family child care providers" as defined in the bill;
2. It provides that the State be considered a public employer with regard to collective bargaining;
3. It specifies the issues the public employer and the bargaining agent are obligated to confer and negotiate in good faith upon. They include: subsidy reimbursement rates and procedures; access to health care insurance and other benefits; training and education opportunities for providers; mechanisms for improving the quality of care and the enforcement of regulations affecting the licensing of family child care providers; and governing the participation of providers in the child care subsidy program;
4. The bill delineates the procedure of submitting negotiated cost items for inclusion in the Governor's operating budget and that if the Legislature rejects any of the cost items submitted to it, those cost items be returned to the parties for further bargaining;