

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
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 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

2. It provides that the State be considered a public employer with regard to collective bargaining;
3. It delineates the procedure for collective bargaining of issues of mutual concern between the State and providers;
4. It supplies the process for submitting negotiated cost items for inclusion in the Governor's operating budget to the Legislature. It further explains that if the Legislature rejects any of the cost items submitted to it, those cost items be returned to the parties for further bargaining;
5. It states that only one bargaining unit may be recognized and that it consists of all family child care providers in the State;
6. It recognizes the initial bargaining agent selected by the family child care providers in October 2007;
7. It provides a procedure to resolve collective bargaining disputes;
8. It states that family child care providers are deemed self-employed for any purpose except those designated in the law;
9. It grandfathers the membership, as of May 1, 2008, of an active regional or local family child care provider association incorporated as a nonprofit corporation with the Secretary of State. This grandfathered status allows the local association members to elect whether to become a member of the collective bargaining agent or to pay service fees pursuant to the collective bargaining agreement;
10. It requires the Department of Health and Human Services and the family child care providers' collective bargaining agent work collaboratively in establishing a constructive relationship; and
12. It further requires the Commissioner of Administrative and Financial Services to review vacant positions throughout State Government and identify one additional position to be eliminated to achieve a minimum savings of \$106,952 in the General Fund.

LD 2127 An Act To Increase the Per Diem for Members of the Workers' Compensation Board

ONTP

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

This bill increases the compensation for Workers' Compensation Board members from \$100 to \$200 per day.

LD 2132 An Act To Amend the Family Medical Leave Laws To Include Siblings

PUBLIC 519

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| TUTTLE STRIMLING | OTP-AM | H-725 |

This bill allows an employee to take family medical leave for a sibling with a serious health condition or who dies.

Committee Amendment "A" (H-725)

This amendment modifies the bill to allow an employee to take family medical leave for a sibling with a serious health condition or who dies while on active military duty if the sibling and the employee are jointly responsible for

Joint Standing Committee on Labor

each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

Enacted Law Summary

Public Law 2007, chapter 519 allows an employee to take family medical leave for a sibling with a serious health condition or who dies while on active military duty if the sibling and the employee are jointly responsible for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

LD 2146 An Act To Improve the Codification of Retirement Plans Administered by the Maine Public Employees Retirement System PUBLIC 491

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TUTTLE | OTP | |

Public Law 2007, chapter 58 changed the name of the Maine State Retirement System to "Maine Public Employees Retirement System" to better reflect the broad range of groups that the system serves. This bill implements the effect of the name change.

Enacted Law Summary

Public Law 2007, chapter 491 implements the effect of the name change by clarifying how the various retirement plans and other programs administered by the Maine Public Employees Retirement System are referenced in the system's governing statutes.

LD 2150 An Act To Clarify Retirement Programs for Participating Local Districts PUBLIC 490 EMERGENCY

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CLARK | OTP | |

This bill makes consistent the standards for optional retirement system membership for employees of participating local districts that also have Social Security or another Internal Revenue Service-qualified plan. It eliminates the once per year option for a local district to join the Maine system. These changes are proposed in anticipation of school district consolidation and other local and regional consolidation efforts and to promote choice of retirement plans for employers and employees.

Enacted Law Summary

Public Law 2007, chapter 490 makes consistent the standards for optional retirement system membership for employees of participating local districts that also have Social Security or another Internal Revenue Service-qualified plan. It eliminates the once per year option for a local district to join the Maine system.

Public Law 2007, chapter 490 was enacted as an emergency measure effective March 7, 2008.

LD 2177 An Act To Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters PUBLIC 542

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| EDMONDS | OTP-AM | S-464 |